

KATHERINE CESINGER  
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<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 CORPUS CHRISTI DIVISION</p> <p>3 MARC VEASEY, et al., ) 4 Plaintiff, ) 5 VS. ) CIVIL ACTION NUMBER: 6 RICK PERRY, et al., ) 2:13-CV-193 (NGR) 7 Defendants. ) 8 UNITED STATES OF AMERICA, ) 9 Plaintiff, ) 10 VS. ) CIVIL ACTION NUMBER: 11 TEXAS LEAGUE OF YOUNG VOTERS ) 2:13-CV-263 (NGR) 12 EDUCATION FUND, et al., ) 13 Plaintiff-Intervenors, ) 14 TEXAS ASSOCIATION OF HISPANIC ) 15 COUNTY JUDGES AND COUNTY ) 16 COMMISSIONERS, et al., ) 17 Plaintiff-Intervenors, ) 18 VS. ) 19 STATE OF TEXAS, et al., ) 20 Defendants. ) 21 TEXAS STATE CONFERENCE OF ) 22 NAACP BRANCHES, et al., ) 23 Plaintiff, ) 24 VS. ) CIVIL ACTION NUMBER: 25 NANDITA BERRY, et al., ) 2:13-CV-291(NGR) 26 Defendants. )</p>	<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S 2 FOR THE VEASEY PLAINTIFFS: 3 Scott Brazil 4 BRAZIL &amp; DUNN, LLP 5 4208 Cypress Creek Parkway, 6 Suite 530 7 Houston, TX 77068 8 (281) 580-6310 9 scott@BrazilAndDunn.com 10 J. Gerald Hebert 11 THE CAMPAIGN LEGAL CENTER 12 215 E. Street, NE 13 Washington, D.C. 20002 14 (202) 736-2200 15 ghebert@campaignlegalcenter.org 16 FOR THE ORTIZ PLAINTIFFS: 17 Robert W. Doggett 18 TEXAS RIO GRANDE LEGAL AID, INC. 19 4920 N. IH-35 20 Austin, TX 78751 21 (512) 374-2725 22 rdoggett@trla.org 23 FOR DEFENDANTS RICK PERRY, STATE OF TEXAS, THE WITNESS: 24 Ronald Keister 25 ATTORNEY GENERAL OF TEXAS TORT LITIGATION DIVISION 300 W. 15th Street Austin, TX 78701 (512) 463-2197 ronny.keister@oag.state.tx.us Kathleen T. Murphy-Darveau TEXAS DEPARTMENT OF PUBLIC SAFETY 5805 N. Lamar Blvd. Austin, TX 78752 (512) 424-2420 kathleen.murphy@dps.texas.gov</p>
<p style="text-align: right;">Page 2</p> <p>1 BELINDA ORTIZ, et al., ) 2 Plaintiffs, ) 3 VS. ) CIVIL ACTION NUMBER: 4 STATE OF TEXAS, et al., ) 2:13-CV-348(NGR) 5 Defendants. ) 6 ***** 7 ORAL 30(b)(6) DEPOSITION OF 8 THE TEXAS DEPARTMENT OF PUBLIC SAFETY 9 KATHERINE CESINGER 10 MAY 20, 2014 11 ***** 12 ORAL DEPOSITION OF KATHERINE CESINGER, produced as 13 a witness at the instance of the Plaintiff, was duly 14 sworn, was taken in the above-styled and numbered cause 15 on the MAY 20, 2014, from 1:56 p.m. to 5:18 p.m., before 16 Chris Carpenter, CSR, in and for the State of Texas, 17 reported by machine shorthand, at the offices of 18 Dechert, LLP, 300 W. 6th, Suite 2010, Austin, TX 78701, 19 pursuant to the Federal Rules of Civil Procedure and the 20 provisions stated on the record or attached hereto. 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 FOR NAACP/MALC: 2 Vishal Agraharkar (by telephone) 3 Myrna Perez (by telephone) 4 Jennifer Clark (by telephone) 5 Emma Simpson (by telephone) 6 Brennan Center For Justice 7 161 Avenue of The Americas Fl 12 8 New York, NY 10013 9 (832) 385-1628 10 Lindsey Cohan 11 Amy L. Rudd 12 DECHERT, LLP 13 300 W. 6th, Suite 2010 14 Austin, TX 78701 15 (512) 394-3000 16 lindsey.cohan@dechert.com 17 FOR THE UNITED STATES OF AMERICA: 18 Daniel J. Freeman (by telephone) 19 U.S. JUSTICE DEPARTMENT 20 CIVIL RIGHTS DIVISION 21 Room 7254 NWB 22 950 Pennsylvania Avenue, N.W. 23 Washington, D.C. 20530 24 (202) 514-0828 25 daniel.freeman@usdoj.gov</p>

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having been first duly sworn to testify the truth, the

3

whole truth, and nothing but the truth, testified as

4

follows:

5

EXAMINATION

6

BY MR. AGRAHARKAR:

7

Q. Good afternoon, Ms. Cesinger, my name is Vishal

8

Agraharkar, and I represent Plaintiffs Texas NAACP and

9

the Mexican American Legislative Caucus in this matter.

10

I want to thank you for coming to appear for the

11

deposition today and also to thank you for your patience

12

given that we're speaking to you over the phone. So we

13

unfortunately weren't able to make it to Austin but

14

hopefully this won't present too many communication

15

problems.

16

Are you able to hear me okay right now?

17

A. Yes, I am.

18

Q. Great. Thank you. Please state and spell out

19

your full name for the record.

20

A. Sure. Katherine Cesinger, K-A-T-H-E-R-I-N-E,

21

C-E-S-I-N-G-E-R.

22

Q. Thank you. And are you represented by counsel

23

today?

24

A. Yes, I am.

25

Q. And who is your attorney or attorneys?

1

A. Ronny Keister with the Attorney General's

2

Office in Texas and Kathleen Murphy is here from the

3

Department of Public Safety.

4

Q. Thank you. Are you employed?

5

A. Yes.

6

Q. And who is your current employer?

7

A. The Texas Department of Public Safety.

8

Q. And what is your official title?

9

A. Deputy assistant director for the media and

10

communications office.

11

Q. Thank you. Have you ever been deposed before?

12

A. I have not.

13

Q. Okay. Well, I'll just go over a few basic

14

rules. In the deposition I will be asking you questions

15

and you'll be answering those questions and the court

16

reporter will be recording the answers. Please speak up

17

and answer all questions verbally which you would

18

probably do anyway since I'm speaking to you over the

19

phone and also so that we can hear you clearly and for

20

the court reporter to clearly record your answers. Will

21

you do that for us?

22

A. Yes, sir.

23

Q. Thank you. And on occasion I may ask you a

24

question that I don't state very well or that you don't

25

understand or hear for some reason. If that happens,

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<p style="text-align: right;">Page 9</p> <p>1 will you please let me know that you do not understand</p> <p>2 and I will try to ask a better question?</p> <p>3 A. Yes, I will.</p> <p>4 Q. Okay. And if you don't fully hear a question,</p> <p>5 please ask me to repeat it. Will you do that?</p> <p>6 A. Yes, I will.</p> <p>7 Q. Okay. And please wait for me to complete any</p> <p>8 question that I ask before you start to answer and</p> <p>9 that's particularly important today because I'm over the</p> <p>10 phone. Will you do that?</p> <p>11 A. Yes.</p> <p>12 Q. And if you need a break at any time, please let</p> <p>13 me or your attorney know and we can finish the current</p> <p>14 question and then see about a break. Is that okay?</p> <p>15 A. Thank you. Yes, I will do that.</p> <p>16 Q. Okay. Do you understand that you are under</p> <p>17 oath and are required to answer all questions truthfully</p> <p>18 and completely to the best of your knowledge?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Great. And how are you feeling today?</p> <p>21 A. Good.</p> <p>22 Q. Are you taking any medication that would</p> <p>23 prevent you from giving true and accurate answers to my</p> <p>24 questions?</p> <p>25 A. No, I'm not.</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Several e-mails that we -- were turned over for</p> <p>2 this -- for this case.</p> <p>3 Q. Thank you. And did you review any documents</p> <p>4 that have not been turned over for this case in</p> <p>5 preparation for the deposition?</p> <p>6 A. Not that I can recall, no. And just to add to</p> <p>7 that, I did also briefly review the deposition materials</p> <p>8 from Assistant Director Joe Peters.</p> <p>9 Q. Okay. And did you bring any additional</p> <p>10 documents with you to the deposition?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Okay. And what documents did you bring?</p> <p>13 A. I brought four sets of documents. The first is</p> <p>14 essentially the media public outreach timeline by the</p> <p>15 Department of Public Safety on election identification</p> <p>16 certificates, followed by EIC -- election identification</p> <p>17 certificate messages that were posted to Facebook on the</p> <p>18 DPS account, followed by Twitter messages on the DPS</p> <p>19 account, and the fourth set of documents is the press</p> <p>20 releases issued through the media and communications</p> <p>21 office at headquarters.</p> <p>22 Q. Okay. And how many press releases did you</p> <p>23 bring?</p> <p>24 A. I apologize, I don't have the exact number. I</p> <p>25 can count them.</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Is there any other circumstance that would</p> <p>2 prevent you from giving true and accurate answers to my</p> <p>3 questions?</p> <p>4 A. No, there isn't.</p> <p>5 Q. Great. Did you do anything to prepare for</p> <p>6 today's deposition?</p> <p>7 A. Yes, I spoke with Ronny Keister and Kathleen</p> <p>8 Murphy.</p> <p>9 Q. Okay. And on how many occasions?</p> <p>10 A. Two.</p> <p>11 Q. Did you speak with anyone else to prepare for</p> <p>12 today's deposition?</p> <p>13 A. Yes, some members of my staff, to gather some</p> <p>14 additional information.</p> <p>15 Q. And which members of your staff did you speak</p> <p>16 with?</p> <p>17 A. Tom Vinger, our press secretary; Summer</p> <p>18 Blackwell, our senior writer; Elliot Weeks, our social</p> <p>19 media -- or excuse me, social and online media</p> <p>20 specialist; and Aidee Trottier, our media specialist.</p> <p>21 Q. Great. And how many times did you speak with</p> <p>22 them?</p> <p>23 A. Twice as well.</p> <p>24 Q. Okay. Did you review any documents in advance</p> <p>25 of today's deposition?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Please do that.</p> <p>2 A. Okay. There are nine total.</p> <p>3 Q. Okay. And thank you. And had all of those</p> <p>4 been turned over to the plaintiff --</p> <p>5 A. I believe so.</p> <p>6 Q. -- previously? Okay. Thank you.</p> <p>7 Okay. Let's go over some common terms I</p> <p>8 might use today. When I refer to the term "minority</p> <p>9 voters," I will mean voters who are racial minorities,</p> <p>10 who are not White and not Anglo; is that okay?</p> <p>11 A. I understand, yes.</p> <p>12 Q. Okay. And when I refer to DPS, I'm referring</p> <p>13 to the Department of Public Safety; is that all right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Now, are you familiar with the term "election</p> <p>16 identification certificates"?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And what is that?</p> <p>19 A. That is a document that meets the requirements</p> <p>20 for voting in an election that -- it's one of the</p> <p>21 documents that can be presented at the time of voting to</p> <p>22 qualify someone to vote.</p> <p>23 Q. Okay. And what does that look like?</p> <p>24 A. Essentially it's a card about the size of a</p> <p>25 driver license or personal ID card with a photo on it of</p>

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<p style="text-align: right;">Page 13</p> <p>1 the individual who qualifies and applies and receives</p> <p>2 one of those documents.</p> <p>3 Q. Okay. Thank you. And if I refer to an "EIC,"</p> <p>4 I will be referring to an election identification</p> <p>5 certificate; is that okay?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And are you familiar with the term "EIC</p> <p>8 mobile unit" or "EIC mobile station"?</p> <p>9 A. Yes, I am.</p> <p>10 Q. And what are those?</p> <p>11 A. Those are essentially stations that are</p> <p>12 deployed to areas that do not have a driver license</p> <p>13 present in a particular county that issue EICs to those</p> <p>14 who are eligible.</p> <p>15 Q. Okay. And are those terms interchangeable?</p> <p>16 A. Are what term interchangeable?</p> <p>17 Q. I'm sorry. EIC mobile unit and EIC mobile</p> <p>18 station?</p> <p>19 A. In the media office, we typically refer to them</p> <p>20 as the mobile station, but if --</p> <p>21 Q. Okay.</p> <p>22 A. Okay. Go ahead.</p> <p>23 Q. And I think you mentioned that these are mobile</p> <p>24 units or stations that are deployed in counties that do</p> <p>25 not have a driver license office. Would that -- was</p>	<p style="text-align: right;">Page 15</p> <p>1 respect to the underlying issues themselves, the policy</p> <p>2 issues or who's involved with the mobile units and that</p> <p>3 type of thing. That's beyond what she's here designated</p> <p>4 for. So to the extent she can answer, I'm not going to</p> <p>5 tell her not to, but I'm going to object to those</p> <p>6 questions. The question you have on the table is</p> <p>7 outside of the area she's designated on today.</p> <p>8 MR. AGRAHARKAR: Thank you, Counsel.</p> <p>9 Q. (By Mr. Agraharkar) Ms. Cesinger, could you</p> <p>10 please answer to the extent that you have knowledge, and</p> <p>11 that goes with respect to any question that I ask today?</p> <p>12 A. Yes, I will. Can you repeat the last question?</p> <p>13 Q. Sure. So my understanding is that some of</p> <p>14 these EIC mobile units are DPS run and owned mobile</p> <p>15 units, others are owned and run by the Secretary of</p> <p>16 State and there are a third category that are run by</p> <p>17 county officials. Is that your understanding to the</p> <p>18 best of your knowledge?</p> <p>19 A. To the best of my knowledge, yes.</p> <p>20 Q. Okay. Thank you. So if I wanted to</p> <p>21 distinguish between them today, is it okay if I simply</p> <p>22 say county run EIC mobile units, DPS run EIC mobile</p> <p>23 units and Secretary of State run EIC mobile units? And</p> <p>24 if I simply say EIC mobile stations, I'm just speaking</p> <p>25 generally with respect to any of them; is that all</p>
<p style="text-align: right;">Page 14</p> <p>1 that your testimony?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And is my understanding correct that</p> <p>4 some of these mobile units are owned and run by the</p> <p>5 Secretary of State and others have been run primarily by</p> <p>6 DPS employees and there are a third category that are</p> <p>7 run by county officials?</p> <p>8 MR. KEISTER: Counsel, this is Ronny</p> <p>9 Keister. Do you understand this witness is here for a</p> <p>10 Rule 30(b)(6) depo and there are two specific issues</p> <p>11 she's here on, which is the media aspect of this case?</p> <p>12 I think your straying from those areas.</p> <p>13 MR. AGRAHARKAR: Yes. This -- the media</p> <p>14 is around the availability of EIC and EIC mobile units,</p> <p>15 and at this point I'm just trying to get an</p> <p>16 understanding of her knowledge of the subject of what</p> <p>17 the media communications does.</p> <p>18 MR. KEISTER: Okay.</p> <p>19 MR. AGRAHARKAR: I think it's perfectly</p> <p>20 relevant.</p> <p>21 MR. KEISTER: Well, it's relevant to the</p> <p>22 extent that she's aware of it, but you're going kind of</p> <p>23 below the media issue. Let me just represent to you</p> <p>24 that her knowledge is with respect to the media</p> <p>25 information that's put out on these issues and not with</p>	<p style="text-align: right;">Page 16</p> <p>1 right?</p> <p>2 MR. KEISTER: Counsel, I don't think</p> <p>3 that's all right. I think with this witness you're</p> <p>4 going to have to be specific on these questions. Once</p> <p>5 again, she's not here for the underlying issues, she's</p> <p>6 here for the media aspect of it. So I'm going to object</p> <p>7 to that. And you're going to have to specify to her</p> <p>8 those specific issues. She's not a policy person, she's</p> <p>9 a media person.</p> <p>10 MR. AGRAHARKAR: Right. And I'm simply</p> <p>11 trying to get the terminology clear so that I can</p> <p>12 specify.</p> <p>13 MR. KEISTER: Okay, I understand. I just</p> <p>14 want you to understand where we are on this. That's</p> <p>15 fine, but you're going to have to specify these specific</p> <p>16 issues when you want to designate these questions. I'm</p> <p>17 not going to -- I'm not going to allow her to generalize</p> <p>18 these because she doesn't have the knowledge to do that.</p> <p>19 MR. AGRAHARKAR: Okay, Counsel, to the</p> <p>20 extent that the terminology I use isn't specific enough,</p> <p>21 you're welcome to object.</p> <p>22 MR. KEISTER: I certainly will.</p> <p>23 Q. (By Mr. Agraharkar) Okay. Can I ask</p> <p>24 Ms. Stelson or Ms. Rudd to find a document marked the</p> <p>25 notice of 30(b)(6) to the Texas Department of Public</p>

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<p style="text-align: right;">Page 17</p> <p>1 Safety and to have it marked by the court reporter, 2 please. That will be marked as Exhibit 1. 3 THE COURT REPORTER: Okay. 4 MS. COHAN: Vishal, would you prefer to 5 have it marked as Exhibit 1 or to continue the exhibits 6 that we've been doing in the depositions? 7 MR. AGRAHARKAR: I'd have you continue it 8 or whichever is most convenient. 9 MS. COHAN: Okay. So I'll just instruct 10 the court reporter that we'll be starting at Exhibit 11 121. All right. 12 MR. AGRAHARKAR: Okay. Thank you. Can 13 you hand that over -- 14 THE COURT REPORTER: Just a second. I 15 need to mark this here. Just a minute. 16 MS. COHAN: Hold on one second. 17 MR. AGRAHARKAR: Okay. 18 (Exhibit 121 marked for identification.) 19 (Handed to witness and counsel.) 20 THE COURT REPORTER: Okay. All right. 21 MR. AGRAHARKAR: Okay. Thank you. 22 Q. (By Mr. Agraharkar) Ms. Cesinger, could you 23 please flip to Page 9 of this document and review the 24 items marked Number 11 and Number 12. 25 A. Yes.</p>	<p style="text-align: right;">Page 19</p> <p>1 A. Very limited. 2 Q. Okay. And did you attend graduate school? 3 A. I did not. 4 Q. Okay. And what did you do after college? 5 A. I worked in the Sergeant at Arms Office for the 6 House of Representatives in Louisiana -- 7 Q. Okay. And how -- 8 A. -- doing -- oh, go ahead. 9 Q. I'm sorry, go ahead. 10 A. Just doing some clerical work. 11 Q. Okay. And how long were you there? 12 A. After college until September of 2004. 13 Q. Okay. And what did you do after that? 14 A. I began working for the State of Texas. 15 Q. In which office? 16 A. In the Office of the Governor. 17 Q. And that was in September of 2004? 18 A. In October. 19 Q. In October. Okay. And how long were you in 20 that position? 21 A. Until -- let's see, I began working for the 22 Texas Workforce Commission in 2008. 23 Q. Okay. And what were your responsibilities with 24 the Office of the Governor in your job between 2004 and 25 2008?</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Thank you. Are you prepared to testify on 2 behalf of the DPS as to both of these topics today? 3 A. Yes, I'm prepared to testify on behalf of DPS 4 with respect to the media and communications office on 5 both Numbers 11 and 12. 6 Q. Okay. Thank you. So I want to switch topics 7 now to your educational background. Can you please just 8 tell me about your educational background. 9 A. Yes, I received a bachelor of arts degree from 10 Louisiana State University in 2004. 11 Q. Thank you. And what was your major? 12 A. Political science. 13 Q. And did you do any course work in 14 communications -- 15 A. I did take some -- 16 Q. -- while there? 17 A. -- communications course, yes. 18 Q. Okay. And do you remember what course that 19 was? 20 A. I don't recall specifically, but it did relate 21 to the -- to media operations and public relations. 22 Q. Okay. And did you take any course work in 23 public education or public awareness? 24 A. I did not. 25 Q. Okay. Can you speak Spanish?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I held a number of positions in the legislative 2 office and the press office and the policy office before 3 moving to the workforce commission for a short period. 4 Q. Okay. And what was your responsibility with 5 respect to policy making? 6 A. My responsibilities were essentially meeting 7 with regulatory -- I was in a position of a -- in the 8 policy office for three months. It was a year-short 9 stint in which I thought I was interested in being a 10 policy wonk and it turns out I wasn't. 11 Q. Okay. And did you touch on -- in that role did 12 you touch on voter ID or elections in any capacity? 13 A. No, not at all. 14 Q. Okay. And you said that in 2008 you went to 15 the workforce commission? 16 A. I was employed with the workforce commission as 17 a communications director for the Governor's 18 Competitiveness Council. 19 Q. Okay. And what were your responsibilities 20 there? 21 A. To help coordinate meetings among the -- it was 22 a panel of industry, education and other officials to 23 assess ways that the State could become more competitive 24 with respect to workforce, education and a number of 25 other issues. And I helped to coordinate --</p>



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<p style="text-align: right;">Page 21</p> <p>1 Q. For a --</p> <p>2 A. -- oh, go ahead.</p> <p>3 Q. No, I'm sorry, go ahead.</p> <p>4 A. I just assisted in coordinating those meetings</p> <p>5 and producing a report at the end of that -- the tenure</p> <p>6 of that council.</p> <p>7 Q. Okay. And after that position, where did you</p> <p>8 end up?</p> <p>9 A. Back in the Governor's Office.</p> <p>10 Q. And what was your position at that point?</p> <p>11 A. Deputy press secretary.</p> <p>12 Q. Okay. And what were the dates in which you</p> <p>13 were in that position?</p> <p>14 A. From 2008 until -- August of 2008 until I</p> <p>15 believe it was November of 2010 or December of 2010.</p> <p>16 Q. And what were you -- thank you. And what were</p> <p>17 your responsibilities in that position?</p> <p>18 A. To produce press releases, to serve as a</p> <p>19 spokesperson to the media on behalf of the Office, and a</p> <p>20 number of other duties dealing with the media.</p> <p>21 Q. Okay. And did any of those responsibilities or</p> <p>22 any of the tasks that you had as a press secretary, or</p> <p>23 deputy press secretary rather, touch on voter ID or</p> <p>24 elections?</p> <p>25 A. It's possible. And I say that because in that</p>	<p style="text-align: right;">Page 23</p> <p>1 session of 2011.</p> <p>2 Q. Thank you. I'd like to mark as exhibit -- I</p> <p>3 guess it's 122, a document titled -- well, a press</p> <p>4 release from the Office of the Governor. And please let</p> <p>5 me know when that's done.</p> <p>6 (Exhibit 122 marked for identification.)</p> <p>7 (Handed to witness and counsel.)</p> <p>8 THE COURT REPORTER: Done.</p> <p>9 MR. AGRAHARKAR: Thank you.</p> <p>10 Q. (By Mr. Agraharkar) Ms. Cesinger, can you take</p> <p>11 a look at the press release.</p> <p>12 A. Yes.</p> <p>13 Q. Do you recognize this?</p> <p>14 MR. KEISTER: Take your time to read it.</p> <p>15 A. Yeah, let me take a minute.</p> <p>16 MR. KEISTER: Let her have a minute to</p> <p>17 read it, Counsel.</p> <p>18 MR. AGRAHARKAR: Sure.</p> <p>19 A. Okay.</p> <p>20 Q. (By Mr. Agraharkar) Okay. You were working as</p> <p>21 the governor's press secretary when this was released;</p> <p>22 is that right?</p> <p>23 MR. KEISTER: Counsel, for the record,</p> <p>24 once again, Ms. Cesinger is here pursuant to the</p> <p>25 30(b)(6) deposition to testify with respect to limited</p>
<p style="text-align: right;">Page 22</p> <p>1 capacity I talked on any number of issues at any given</p> <p>2 time, so it's possible but I don't recall specifically.</p> <p>3 Q. Okay. And did you play a role in establishing</p> <p>4 policy or developing policy during that time?</p> <p>5 A. No.</p> <p>6 Q. Okay. Where did you go to next?</p> <p>7 A. I was promoted to press secretary.</p> <p>8 Q. Okay. And were your responsibilities similar</p> <p>9 to those that you mentioned as the deputy press</p> <p>10 secretary?</p> <p>11 A. Yes, very similar.</p> <p>12 Q. So you were the spokesman -- or sorry,</p> <p>13 spokesperson for the governor?</p> <p>14 A. For the Governor's Office, yes.</p> <p>15 Q. Okay. And do you recall if any of your</p> <p>16 responsibilities there touched on voter ID or election?</p> <p>17 A. That was during the 2011 session that I served</p> <p>18 in that role, and I very vaguely recall speaking about</p> <p>19 the legislation that was there at the time.</p> <p>20 Q. What were the dates during which you were the</p> <p>21 press secretary at the Office of the Governor?</p> <p>22 A. I was officially named press secretary in</p> <p>23 December of 2010, and then through 2011.</p> <p>24 Q. Okay. Thank you --</p> <p>25 A. Or through the -- I'm sorry, through the</p>	<p style="text-align: right;">Page 24</p> <p>1 issues on the media aspects of the DPS. This is nowhere</p> <p>2 close to that. So I'm going to object; this is outside</p> <p>3 the proper grounds of this deposition. To the extent</p> <p>4 she can answer this, I'll allow her to do it. But if</p> <p>5 we're going to get too far into it, I'll let you know</p> <p>6 ahead of time that I'm going to shut it down. But to</p> <p>7 the extent she can answer, she may.</p> <p>8 Q. (By Mr. Agraharkar) You can answer to the</p> <p>9 extent you can.</p> <p>10 A. Can you repeat the question?</p> <p>11 Q. Yes. You were working for the governor when</p> <p>12 this press release was drafted, right?</p> <p>13 A. Yes.</p> <p>14 MR. KEISTER: Same objections.</p> <p>15 A. Yes.</p> <p>16 Q. (By Mr. Agraharkar) Did you draft it?</p> <p>17 MR. KEISTER: Same objections.</p> <p>18 A. I don't recall.</p> <p>19 Q. (By Mr. Agraharkar) Did you usually draft press</p> <p>20 releases that came out of his office?</p> <p>21 A. There were a number of people in the office who</p> <p>22 drafted press releases.</p> <p>23 Q. Do you remember who reviewed press releases</p> <p>24 when they were drafted?</p> <p>25 A. Yes. I was one of them.</p>

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<p style="text-align: right;">Page 25</p> <p>1 Q. So would you have reviewed this press release 2 before it was released? 3 A. Yes. 4 Q. Do you remember if anyone else provided input 5 or talking points to draft this press release outside of 6 the Governor's Office? 7 A. I don't recall. 8 Q. Was that something that often happened? 9 A. Can you describe the situation you're asking 10 about? 11 Q. Well, I'm asking if, as a member of the 12 communications office, you often released -- or received 13 talking points or messaging points from groups 14 outside -- or groups or individuals outside the 15 Governor's Office in drafting press releases such as 16 this one? 17 MR. KEISTER: Objection, vague, ambiguous 18 and plus it's outside the scope of the 30(b)(6) 19 designation. 20 But to the extent you can answer it, go 21 ahead. 22 A. Typically in the process for drafting a press 23 release, as a member of the Governor's media office or 24 press office, we would contact the subject matter expert 25 within the office to get the information necessary to</p>	<p style="text-align: right;">Page 27</p> <p>1 Freeman on behalf of the United States, and Rule 30 2 specifically states that counsel may only instruct a 3 witness not to answer a question in order to preserve a 4 privilege, and so to the extent that you intend -- I 5 believe we have discussed this issue at length before 6 and I provided you with a substantial number of cases 7 that establish that counsel may not instruct a 30(b)(6) 8 witness not to answer a question that is within the 9 scope of that witness's knowledge purely on the basis 10 that that question is outside the scope of the 11 designated topics. 12 Now, if you have some sort of legal basis 13 on which to instruct the witness not to answer, that 14 basis has to be within the scope of Rule 30, and if 15 you're going to continue to do this in subsequent 16 30(b)(6) depositions, this one or any other, we will 17 take this to the court because it was our understanding 18 that this issue had been fully resolved. 19 MR. KEISTER: Mr. Freeman, if you want to 20 take this to the court, you're welcome to take this to 21 the court. This witness is here on limited issues. You 22 noticed -- or the plaintiffs noticed this deposition for 23 a 30(b)(6) depo, not for general knowledge of this 24 witness, and I said I'm to going allow this to go on for 25 a short period of time, but we're not going to sit here</p>
<p style="text-align: right;">Page 26</p> <p>1 put into a press release. 2 Q. (By Mr. Agraharkar) Thank you. Do you remember 3 who the subject matter expert was in the Governor's 4 Office with respect to voter ID? 5 A. I do not. 6 Q. Thank you. Do you know what messages you were 7 trying to -- or your office was trying to convey in 8 releasing this press release? 9 MR. KEISTER: Objection. Counsel, this is 10 outside the scope of the designated topics of the 11 30(b)(6). And I'm going to allow her to answer this, 12 but if it keeps going, I'm going to shut it down. 13 MR. DOGGETT: Excuse me, Counsel, I just 14 want for clarification purposes, what's your authority 15 for that objection? 16 MR. KEISTER: My authority is I'm 17 representing this witness and I designated her or we 18 designated her for these limited issues and that's what 19 we're here to testify on. 20 MR. DOGGETT: Are you suggesting that she 21 cannot answer these questions? 22 MR. KEISTER: I'm suggesting what I just 23 stated. 24 MR. DOGGETT: So -- 25 MR. FREEMAN: Mr. Keister, this is Dan</p>	<p style="text-align: right;">Page 28</p> <p>1 all day talking about the Governor's Office. And if you 2 want to call the court, you're welcome to call the 3 court. But if you want to get on with it, we'll get on 4 with it, but it's going to be short. 5 Sorry. All right. Can we continue? 6 MR. AGRAHARKAR: Yes. Thank you. 7 Q. (By Mr. Agraharkar) Ms. Cesinger, you can 8 continue to answer the question. Do you recall what it 9 is? 10 A. Can you repeat the question, please? 11 MR. AGRAHARKAR: Court reporter, would you 12 mind repeating the question? 13 (Requested portion was read back by the 14 court reporter.) 15 MR. KEISTER: Objection, same objections. 16 A. I don't recall. This was in 2011, and as I 17 mentioned previously, in the capacity as a spokesperson 18 in the Governor's Office, I talked on a number of issues 19 at any given time, so again, this was one of many, many, 20 many press releases that went out. What I -- I can read 21 the press release here and, you know, tell you what I 22 read, but as far as, you know, big picture messaging, I 23 just don't recall. 24 Q. (By Mr. Agraharkar) Thank you. Do you remember 25 if Governor Perry reviewed this press release?</p>

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<p style="text-align: right;">Page 29</p> <p>1 MR. KEISTER: Objection, same objections.</p> <p>2 A. I don't recall that.</p> <p>3 Q. (By Mr. Agraharkar) Did Governor Perry usually</p> <p>4 review press releases issued by his office before they</p> <p>5 were released?</p> <p>6 A. No.</p> <p>7 MR. KEISTER: Same objections.</p> <p>8 Q. (By Mr. Agraharkar) Thank you. Were you</p> <p>9 involved with Voter ID or elections in any other way</p> <p>10 while working for the Governor's Office?</p> <p>11 A. No, not that I recall.</p> <p>12 Q. Okay. So moving on, after that position, where</p> <p>13 did you go?</p> <p>14 A. I left the Governor's Office to go work on the</p> <p>15 Rick Perry presidential campaign.</p> <p>16 Q. Okay. And were you involved with Voter ID or</p> <p>17 elections issues in any other ways in that position?</p> <p>18 A. Not specifically that I recall.</p> <p>19 Q. Okay. Thank you. So the only job experience,</p> <p>20 if I hear -- strike that.</p> <p>21 So the only job experience you've had with</p> <p>22 respect to voting and elections prior to coming to the</p> <p>23 DPS, if I understand your testimony correctly, was to</p> <p>24 review and possibly draft press releases in support of</p> <p>25 Voter ID legislation; is that correct?</p>	<p style="text-align: right;">Page 31</p> <p>1 at DPS?</p> <p>2 A. I applied for the job.</p> <p>3 Q. Thank you. And what are your job duties?</p> <p>4 A. To coordinate the media outreach regarding the</p> <p>5 department's services as well as the accomplishments,</p> <p>6 goals and activities.</p> <p>7 Q. To coordinate its -- I'm sorry, I didn't catch</p> <p>8 that. Could you please repeat that?</p> <p>9 A. Sure. To coordinate the public -- the media</p> <p>10 outreach on the department's services as well as the</p> <p>11 department's goals and activities.</p> <p>12 Q. Outreach with respect to its goals and</p> <p>13 activities; is that right?</p> <p>14 A. And services, yes.</p> <p>15 Q. Got it. And is one of your duties to be the</p> <p>16 spokesperson for DPS?</p> <p>17 A. At times I will speak to the media, but that is</p> <p>18 not a primary responsibility. We have a press secretary</p> <p>19 who -- whose primary responsibility is to speak to the</p> <p>20 media.</p> <p>21 Q. And who is that?</p> <p>22 A. Tom Vinger.</p> <p>23 Q. How do you assist in Tom Vinger's role as press</p> <p>24 secretary?</p> <p>25 MR. KEISTER: Objection, vague.</p>
<p style="text-align: right;">Page 30</p> <p>1 MR. KEISTER: Objection, vague, ambiguous</p> <p>2 and misstates previous testimony.</p> <p>3 You can answer to the extent you can.</p> <p>4 Q. (By Mr. Agraharkar) You can answer it.</p> <p>5 A. Can you say that question again? I'm sorry.</p> <p>6 Q. Sure. If I understand you correctly, the only</p> <p>7 job experience you have with respect to voting and</p> <p>8 elections prior to coming to the DPS was to write and</p> <p>9 review press releases in support of Voter ID</p> <p>10 legislation; is that accurate?</p> <p>11 MR. KEISTER: Same objections.</p> <p>12 A. I believe that's right.</p> <p>13 Q. (By Mr. Agraharkar) Thank you.</p> <p>14 Where did you go after working on the</p> <p>15 presidential campaign?</p> <p>16 A. I began working for the Department of Public</p> <p>17 Safety.</p> <p>18 Q. Okay. And when was that?</p> <p>19 A. March of 2012.</p> <p>20 Q. And what position were you hired?</p> <p>21 A. Deputy assistant director for the media and</p> <p>22 communications office.</p> <p>23 Q. And how long did you have that position?</p> <p>24 A. I'm still currently in that position.</p> <p>25 Q. Thank you. And how did you come to be employed</p>	<p style="text-align: right;">Page 32</p> <p>1 If you understand the question, you can</p> <p>2 answer it.</p> <p>3 A. Yeah, I'm not sure I understand your question.</p> <p>4 Is there a way to specify that?</p> <p>5 Q. (By Mr. Agraharkar) Sure. You said that -- you</p> <p>6 said that being the spokesperson for the DPS is part of</p> <p>7 your job but is not your primary responsibility. I'm</p> <p>8 wondering how -- if you could elaborate on that, I -- in</p> <p>9 what ways are you the spokesperson or do you assist Tom</p> <p>10 Vinger?</p> <p>11 A. As I mentioned, at times I will speak to the</p> <p>12 media but Tom Vinger's the primary spokesperson for the</p> <p>13 department. So when he gets, you know, questions or</p> <p>14 inquiries from the media, you know, he'll -- he'll bring</p> <p>15 those to me and if there's a need to review those, I'll</p> <p>16 do that prior to it being released to the media.</p> <p>17 Q. Okay. And in that capacity, does your role</p> <p>18 involve publicizing the EIC program?</p> <p>19 A. The department's media and communications</p> <p>20 office does publicize the EIC program, yes.</p> <p>21 Q. Do you tout its successes?</p> <p>22 A. We essentially make sure that through the media</p> <p>23 the public knows how to obtain an EIC, who is eligible,</p> <p>24 where, for instance, the mobile locations that we</p> <p>25 discussed earlier are, that sort of thing.</p>



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<p style="text-align: right;">Page 33</p> <p>1 Q. Okay. I'd like to mark an e-mail chain from --</p> <p>2 an e-mail chain that begins where the subject matter is</p> <p>3 "Media Question on EIC: Please Advise," as Exhibit 123.</p> <p>4 (Exhibit 123 marked for identification.)</p> <p>5 (Handed to witness and counsel.)</p> <p>6 Q. (By Mr. Agraharkar) Ms. Cesinger, have you had</p> <p>7 a chance to review it?</p> <p>8 A. I'm still reviewing it.</p> <p>9 Q. I'm sorry.</p> <p>10 A. That's okay.</p> <p>11 Okay. I reviewed it.</p> <p>12 Q. Thank you. And this is an e-mail chain between</p> <p>13 you and Tony Rodriguez regarding a question from a</p> <p>14 reporter, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Have you seen this before?</p> <p>17 A. I recall this.</p> <p>18 Q. And who is Tony Rodriguez again?</p> <p>19 A. He works in the Driver License division at the</p> <p>20 Department of Public Safety.</p> <p>21 Q. Thank you. And at the bottom of the e-mail</p> <p>22 chain, a reporter who has seen the press release asked</p> <p>23 the questions about how many counties in Texas have</p> <p>24 driver's license offices; is that right?</p> <p>25 A. That's right.</p>	<p style="text-align: right;">Page 35</p> <p>1 were looking for information that would allow you to</p> <p>2 squash a presumption?</p> <p>3 A. I don't recall specifically the conversation I</p> <p>4 had with this reporter, but I do recall talking to this</p> <p>5 reporter outside of the e-mail chain we have here, and</p> <p>6 that was the basis I believe for this comment to</p> <p>7 Mr. Rodriguez.</p> <p>8 MR. AGRAHARKAR: I'm sorry. Objection,</p> <p>9 nonresponsive.</p> <p>10 Q. (By Mr. Agraharkar) My -- the question is:</p> <p>11 What did you mean when you wrote that you wanted to</p> <p>12 "squash the presumption that DL offices are not</p> <p>13 accessible to many Texans"?</p> <p>14 A. Again, that was based on a conversation that I</p> <p>15 had with the reporter that that was the direction he was</p> <p>16 going.</p> <p>17 Q. And why did you want to reverse the direction</p> <p>18 that he was going in?</p> <p>19 A. Because as I recall, there was information that</p> <p>20 we wanted to relay, the accessibility and the proximity</p> <p>21 that individuals in Texas did have access to the driver</p> <p>22 license office. The -- the direction that the reporter</p> <p>23 was going, from our perspective, was going to misinform</p> <p>24 the public.</p> <p>25 Q. Okay. Thank you. Your office is primarily</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. Okay. And you forwarded the request to</p> <p>2 Mr. Rodriguez and asked him for a specific that you</p> <p>3 could send back to the reporter; is that right?</p> <p>4 A. That's correct.</p> <p>5 Q. And you asked for statistics that would allow</p> <p>6 you to, quote, "squash the presumption he is likely</p> <p>7 trying to make, which is that DL offices are not</p> <p>8 accessible to many Texans." Is that right?</p> <p>9 A. That what's written, yes.</p> <p>10 Q. Okay. Is it fair to say that part of your job</p> <p>11 and part of the job of the media and communications</p> <p>12 office is to put a positive spin on the EIC program?</p> <p>13 A. Our job in the media office is to relay</p> <p>14 information to the public about the services available,</p> <p>15 yes.</p> <p>16 Q. And that information that you relay -- strike</p> <p>17 that.</p> <p>18 And you attempt to relay information that</p> <p>19 paints the EIC program in a positive way; is that right?</p> <p>20 A. Can you say that again?</p> <p>21 Q. Yes. You attempt to relay information that</p> <p>22 paints the EIC program in a positive light, that's part</p> <p>23 of your job; is that right?</p> <p>24 A. No.</p> <p>25 Q. Okay. Then what did you mean when you said you</p>	<p style="text-align: right;">Page 36</p> <p>1 responsible -- I believe you testified earlier that one</p> <p>2 of your primary responsibilities is to develop the</p> <p>3 policy with respect to educating the public about EIC;</p> <p>4 is that fair to say?</p> <p>5 A. No. We don't develop policy.</p> <p>6 Q. About educating the public?</p> <p>7 A. Can you rephrase that? I'm sorry. I just want</p> <p>8 to make sure I answer you accurately.</p> <p>9 Q. Sure. Do you develop the policy regarding</p> <p>10 outreach and education of the public regarding the EIC</p> <p>11 program?</p> <p>12 A. We develop strategies to inform the public</p> <p>13 through the media, traditional media, social media, yes.</p> <p>14 Q. Okay. And so to the extent that there are</p> <p>15 people who are not aware of EIC or what they need to do</p> <p>16 to get one, is one of your responsibilities to develop</p> <p>17 these strategies to educate them, correct?</p> <p>18 A. We do develop those strategies to education the</p> <p>19 public on the EIC as well as a number of other issues</p> <p>20 that the department provides, whether it's services to</p> <p>21 the public or, you know, different types of access to</p> <p>22 the public that comes from the department, yes, we do</p> <p>23 develop strategies to inform them.</p> <p>24 Q. Okay. And do you find that there is any</p> <p>25 tension between the job of promoting the view that</p>

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<p style="text-align: right;">Page 37</p> <p>1 driver license offices are accessible, on the one hand, 2 and the other job of developing strategies to educate 3 people who don't have the EIC? 4 MR. KEISTER: Objection, vague. 5 A. Can you say that again? I'm sorry. 6 Q. (By Mr. Agraharkar) Would you find that there's 7 any tension between the job of promoting the view, as I 8 believe as you said, of -- that -- strike that. 9 Do you find tension between the job of 10 promoting the view that driver license offices are 11 accessible on the one hand and educating people who 12 don't have ID on the other? 13 MR. KEISTER: Objection, vague. 14 A. And I'm not following the question either, and 15 I apologize. 16 Q. (By Mr. Agraharkar) That's okay. I'll move on. 17 I want to speak a bit about voter 18 education initiatives or efforts that you took. Did the 19 Department of Public Safety have a plan or a campaign to 20 educate the public about election identification 21 certificates? 22 A. We did develop a plan, yes. 23 Q. Okay. And what were your responsibilities and 24 the involvement with respect to that plan? 25 A. Essentially to develop press releases and work</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Okay. And I'm speaking specifically with 2 respect to public education plans, other public 3 education plans. Have you developed a separate plan in 4 an another context other than outreach regarding EIC? 5 A. I guess I wouldn't characterize almost 6 everything we do as a public outreach effort, so, yes, I 7 believe we do have experience in the media office and on 8 a very regular basis pushing out messages, whether its 9 one time or repeated messages to ensure that the public 10 knows about important issues or even one-time issues. 11 Q. Okay. And could you give me an example of 12 another plan that you put together in other contexts? 13 MR. KEISTER: Objection, form, vague. 14 A. We're entering hurricane season right now, and 15 through hurricane season we push a number of messages to 16 ensure that Texans are prepared should the worst happen. 17 So we start out, you know, issuing a press release a 18 couple of weeks prior to the start of hurricane season, 19 we hold an event and reissue those types of messages 20 related to that event, there's a social media effort 21 that's behind all of that, and there are common messages 22 that are reiterated throughout hurricane season, which 23 last through November 1st. So that's one example of a 24 lengthy, you know, type of message that isn't going to 25 be that one-time message that goes out through a press</p>
<p style="text-align: right;">Page 38</p> <p>1 with the driver license division to review materials 2 that would be posted to the website, as that's a place 3 where all of the information about the department 4 resides and is easily accessible via computer. Also, to 5 develop social media plan to further push out the 6 message of the EIC information, whether it's, you know, 7 requirements or eligibility and access. 8 Q. Okay. And did you determine what efforts were 9 taken to educate the public about EIC? 10 MR. KEISTER: Objection, vague. 11 A. Again, we did develop a plan, a media plan, a 12 media outreach plan related to the election 13 identification certificate. 14 Q. (By Mr. Agraharkar) And did you decide on which 15 components -- or what would be the components of that 16 plan? 17 A. We did identify which components were going to 18 be part of that plan, yes. 19 Q. Okay. And have you ever put together a public 20 education plan before? 21 A. We, on a very regular basis, issue information 22 about services related to the department and as I 23 mentioned earlier activities, goals, accomplishments on 24 a very regular basis. And that's through traditional 25 media as well as social media.</p>	<p style="text-align: right;">Page 40</p> <p>1 release and social media. 2 Q. (By Mr. Agraharkar) Okay. Thank you. And was 3 there a budget for that plan? 4 A. No. 5 Q. Okay. Thank you. Pushing back to the EIC plan 6 that you mentioned, did the Secretary of State's Office 7 contribute towards developing that plan? 8 MR. KEISTER: Objection, form, 9 mischaracterizes the testimony. 10 But go ahead. 11 Q. (By Mr. Agraharkar) You can answer. 12 A. Right. We shared with the Secretary of State's 13 communications office what we were going to be doing. 14 Q. Okay. So they didn't direct the effort but you 15 did share information with them? 16 A. Correct. 17 Q. Is that accurate? 18 A. Yes, that's accurate. 19 Q. Okay. Did you receive any directions about 20 what the plan should look like from others outside of 21 the Secretary of State's office and outside of DPS? 22 A. No. 23 Q. Thank you. And what efforts did the DPS take 24 to educate the public about EIC? 25 A. As I mentioned we -- and what might be helpful</p>

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<p style="text-align: right;">Page 41</p> <p>1 is this -- this document, the timeline that -- that goes 2 through those efforts. We issued press releases, we 3 sent messages through our Twitter account, through our 4 Facebook account, and we conducted interviews, we 5 fielded media calls on the issue. 6 Q. Okay. And I think I know which document you're 7 referring to. Can I mark as Exhibit 124, I believe, the 8 document entitled Media Public Outreach Election 9 Identification Certificates? 10 A. Yes, that's the document. 11 (Exhibit 124 marked for identification.) 12 (Handed to witness and counsel.) 13 Q. (By Mr. Agraharkar) Thank you. Just let me 14 know when you have it and have reviewed it. 15 A. Okay. 16 Q. Thank you. So who prepared this document? 17 A. I did. 18 Q. Okay. And it covers the period between August 19 30, 2012, and February 14, 2014, correct? 20 A. We actually have an updated document that 21 covers through -- okay. 22 MR. KEISTER: She marked the one we 23 produced today, Counsel, which goes through what? Which 24 goes through what? 25 THE WITNESS: May 19th.</p>	<p style="text-align: right;">Page 43</p> <p>1 A. Copy that. Yes, this -- well, I say, yes. Let 2 me clarify that, please. This represents a good 3 overview of our outreach efforts. 4 Q. Okay. And are there any major components of 5 the outreach campaign plan that are left off of this 6 document? 7 A. I think I mentioned this before: For instance, 8 the interviews that were conducted are not cited on 9 here. Any media responses to inquiries will not be 10 cited on here. And I would characterize those as 11 outreach efforts as well. 12 Q. Okay. And which interviews are you referring 13 to? 14 A. Any interviews that were conducted by the 15 department on the EICs, and there are any number of 16 those -- and I apologize, I don't have an exact number, 17 but we have -- we've definitely conducted a number of 18 interviews and certainly responded to a number of media 19 inquiries as well. 20 Q. Okay. And was it you who conducted those 21 interviews or was it any number of people at the DPS? 22 A. Any number of people at the DPS. 23 Q. Do you have a ballpark figure of how many 24 interviews were conducted? 25 A. I don't, I apologize.</p>
<p style="text-align: right;">Page 42</p> <p>1 MR. KEISTER: May 19th. It's an updated 2 version of the one that I think you're handing over. 3 MR. AGRAHARKAR: Okay, thank you. And I 4 will get a copy of that. 5 Q. (By Mr. Agraharkar) Does this represent the 6 entirety of DPS's public education and outreach effort 7 regarding EIC during that time period? 8 MS. COHAN: Vishal, if I could interrupt 9 for a moment. Do you want to mark as the exhibit the 10 updated version that Ms. Cesinger brought here today or 11 do you want to use the version that you've provided? 12 MS. SIMPSON: Can we go off the record for 13 one moment, please? 14 MR. AGRAHARKAR: Yes, we'll go off the 15 record. 16 (Recess from 2:48 to 2:52 p.m.) 17 Q. (By Mr. Agraharkar) Ms. Cesinger, does this 18 represent the entirety of the DPS public education and 19 outreach efforts regarding EIC during the periods August 20 '12 until May 27, 2014? 21 A. It represents -- 22 Q. Obviously I meant -- 23 A. Oh, go ahead. 24 Q. No, I said August '12 instead of August 2012, 25 but you get my drift.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. And do you know who those were with generally? 2 A. Generally, they would be with the spokespeople 3 for the department while -- (court reporter distracted 4 by counsel whispering to each other.) 5 THE COURT REPORTER: I'm sorry, repeat 6 your answer, please. 7 A. I'm sorry, I don't know specifically but 8 generally they would be spokespeople for the department. 9 While Tom Vinger is the -- 10 Q. (By Mr. Agraharkar) I'm sorry. I meant who did 11 they interview with outside of DPS? 12 A. Oh, I'm sorry, I misunderstood. 13 Q. Who did they do the interview with? Right. 14 I'm sorry. 15 A. That's okay. Members of the media. It would 16 vary from print to radio to television within the state 17 of Texas. 18 Q. Thank you. And were there any key messages 19 that you wanted to communicate to the public through 20 those interviews and other components of the education 21 plan? 22 A. Yes. In all of those key messages -- 23 Q. What are those? 24 A. All of those key messages are in our -- the 25 press releases that were distributed through the media</p>

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<p style="text-align: right;">Page 45</p> <p>1 and communications office, essentially what are the</p> <p>2 requirements for the EIC, who may be eligible, what</p> <p>3 other documents a Texan might already have that would</p> <p>4 meet the photo ID requirements to vote. Because not</p> <p>5 only do we want folks to know what they might need in</p> <p>6 order to be eligible for an EIC but we also wanted them</p> <p>7 to know if they didn't need an EIC -- you know, we</p> <p>8 wanted them to know that if they already had one of</p> <p>9 other documents that sufficed for the voting</p> <p>10 requirements that related to the photo ID, that they did</p> <p>11 not have to come into the office or spend time trying to</p> <p>12 acquire one of these EICs.</p> <p>13 Q. Okay. So I thought I heard one of the key</p> <p>14 messages as being that many people already had IDs so</p> <p>15 they may not need to come in and also eligibility</p> <p>16 requirements --</p> <p>17 A. Yes.</p> <p>18 Q. -- for getting ID, right? Okay.</p> <p>19 And I don't think you mentioned what</p> <p>20 documents you need to demonstrate eligibility or did</p> <p>21 you?</p> <p>22 A. I did not mention that to you, but that is</p> <p>23 listed on our outreach materials.</p> <p>24 Q. Okay. And so all the press releases contain</p> <p>25 information about the documents, the underlying</p>	<p style="text-align: right;">Page 47</p> <p>1 through a press release or, as I mentioned, through</p> <p>2 social media efforts as well.</p> <p>3 Q. Okay. But you did not do any research to</p> <p>4 determine what the Texas public did not know about what</p> <p>5 they needed to get EICs; is that accurate?</p> <p>6 MR. KEISTER: Objection, form, vague and</p> <p>7 ambiguous.</p> <p>8 A. We didn't do research, but what we knew at the</p> <p>9 media office was this is a new requirement, so we were</p> <p>10 going to send as much information as the subject matter</p> <p>11 experts were able to provide us in a way that was easily</p> <p>12 relayed to the -- through the media to the public.</p> <p>13 Q. (By Mr. Agraharkar) Okay. You mentioned</p> <p>14 earlier that it wasn't your responsibility to determine</p> <p>15 which Texans needed education about the EIC. Whose</p> <p>16 responsibility do you believe that is?</p> <p>17 A. I don't know.</p> <p>18 Q. Thank you.</p> <p>19 Ultimately did you decide to target your</p> <p>20 outreach effort in any way to certain populations or</p> <p>21 groups?</p> <p>22 A. The only targeted outreach related to the DPS</p> <p>23 mobile stations and that was by location.</p> <p>24 Q. And how did you determine which locations to</p> <p>25 target?</p>
<p style="text-align: right;">Page 46</p> <p>1 documents that one needs to demonstrate eligibility; is</p> <p>2 that accurate?</p> <p>3 A. Right. All the documents that we released from</p> <p>4 the media and communications office do have the list of</p> <p>5 requirements that an individual would need, one, to be</p> <p>6 eligible and, two, to bring into the office.</p> <p>7 Q. Okay. What research did your office do, if</p> <p>8 any, to determine which Texans needed education about</p> <p>9 EIC?</p> <p>10 A. We did not do that research as it is not a</p> <p>11 responsibility of our office.</p> <p>12 Q. Okay. And so you did no research to determine</p> <p>13 which Texans needed education about EIC. Did you do any</p> <p>14 research on what information Texans needed about EICs?</p> <p>15 A. We gathered information --</p> <p>16 Q. Did you get that? I'm sorry. Go ahead.</p> <p>17 A. We gathered information from the appropriate</p> <p>18 folks at the Department of Public Safety on information</p> <p>19 that is required to obtain an EIC and felt that that was</p> <p>20 important to relay to the public. There were -- as I</p> <p>21 mentioned, I haven't covered all the points that are in</p> <p>22 the news release; however, the information that is in</p> <p>23 the news release was gathered from those subject matter</p> <p>24 experts so that we could relay as much information as</p> <p>25 possible in an easy to understand and succinct way</p>	<p style="text-align: right;">Page 48</p> <p>1 A. We sent it to -- we sent the localized press</p> <p>2 release to the media in the area in which the mobile</p> <p>3 station would be located.</p> <p>4 Q. Okay. So this was just to locations that had a</p> <p>5 mobile EIC unit stationed; is that right?</p> <p>6 A. Correct.</p> <p>7 Q. And it was, correct, to local media in those</p> <p>8 areas?</p> <p>9 A. I'm sorry, I didn't hear the first part of</p> <p>10 that.</p> <p>11 Q. This was a press release to local media in</p> <p>12 those areas; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you have a way to determine how many</p> <p>15 of those releases were picked up?</p> <p>16 A. Through the media coverage of that, yes.</p> <p>17 Q. I'm sorry, my question was, did you have a way</p> <p>18 to determine how many news outlets picked up your local</p> <p>19 press releases, and I think I maybe just didn't</p> <p>20 understand your answer.</p> <p>21 A. Yes, through the media coverage that resulted</p> <p>22 from the distribution of those press releases.</p> <p>23 Q. Okay. And who tracked that media coverage?</p> <p>24 A. Specifically tracking it, we don't, but we</p> <p>25 monitor that to make sure that there's -- there is a</p>



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<p>Page 49</p> <p>1 connection there.</p> <p>2 Q. Okay. And how do you monitor those -- that</p> <p>3 coverage?</p> <p>4 A. By searching news articles, by looking at</p> <p>5 various news entities in those areas in which we sent</p> <p>6 out the press releases to.</p> <p>7 Q. Is there someone designated in the office</p> <p>8 (noise obliterating words) charge of that type of</p> <p>9 monitoring?</p> <p>10 THE COURT REPORTER: I'm sorry?</p> <p>11 MS. COHAN: Vishal, can you repeat that?</p> <p>12 There's some paper shuffling on your end.</p> <p>13 MR. AGRAHARKAR: I apologize.</p> <p>14 Q. (By Mr. Agraharkar) Is there someone in your</p> <p>15 office who's in charge of that monitoring?</p> <p>16 A. No one in particular. We do have, in the media</p> <p>17 and communications office in Austin, Aidee Trottier, our</p> <p>18 media specialist and Elliott Weeks, our social and</p> <p>19 online media specialist, do go over the various articles</p> <p>20 that are produced each morning on a number of issues to</p> <p>21 see what stories have been produced related to the</p> <p>22 department and our activities.</p> <p>23 Q. Okay. And were there any plans to specifically</p> <p>24 target education efforts to African-American voters?</p> <p>25 A. There were not any specific plan, no.</p>	<p>Page 51</p> <p>1 the EIC mobile units?</p> <p>2 A. I did not, no.</p> <p>3 Q. Okay. Did you play a role in choosing the days</p> <p>4 and hours during which EIC mobile units would be open</p> <p>5 for business?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. I want to talk specifically about the</p> <p>8 county run mobile EIC units or the counties that don't</p> <p>9 have a DPS driver license office and have to process EIC</p> <p>10 themselves. Do you know which ones I'm referring to?</p> <p>11 A. I understand what you're referring to. If</p> <p>12 those are the ones in which DPS employees are not</p> <p>13 manning those stations, but instead --</p> <p>14 Q. Yes.</p> <p>15 A. -- some entity of the county in the county is</p> <p>16 running those.</p> <p>17 Q. Yes, that is what I'm referring to. I'd like</p> <p>18 to mark as Exhibit 124 --</p> <p>19 MR. KEISTER: 5</p> <p>20 Q. (By Mr. Agraharkar) Or -5, whatever the next</p> <p>21 number is, a document titled County Locations Issuing</p> <p>22 Election Identification Certificates. And please let me</p> <p>23 know when you've had a chance to look at that.</p> <p>24 (Exhibit 125 marked for identification.)</p> <p>25 (Handed to witness and counsel.)</p>
<p>Page 50</p> <p>1 Q. Okay. Were there plans to specifically target</p> <p>2 limited English proficiency voters?</p> <p>3 A. There were no specific plans to target a</p> <p>4 particular audience other than the locations of the</p> <p>5 mobile station. Those are the only times that we</p> <p>6 targeted a certain area of media outlets.</p> <p>7 Q. Okay. I want to move on to the budget a bit.</p> <p>8 How much money was budget to -- budgeted to publicize</p> <p>9 the EIC program?</p> <p>10 A. None.</p> <p>11 Q. Okay. And is that true of -- well, strike</p> <p>12 that.</p> <p>13 Is anything going to be budgeted in the</p> <p>14 future to publicize the EIC program?</p> <p>15 MR. KEISTER: Objection, calls for</p> <p>16 speculation.</p> <p>17 To the extent you know, you can answer.</p> <p>18 A. Not that I'm aware of. And I would like to add</p> <p>19 that there's no budget for any of our outreach efforts.</p> <p>20 All of our outreach efforts of the department are</p> <p>21 through earned media because we don't have a budget for</p> <p>22 marketing.</p> <p>23 Q. (By Mr. Agraharkar) Okay. Thank you.</p> <p>24 I want to move on to a different topic</p> <p>25 now. Did you play a role in choosing the locations of</p>	<p>Page 52</p> <p>1 A. Okay.</p> <p>2 Q. (By Mr. Agraharkar) Have you seen this document</p> <p>3 before?</p> <p>4 A. Yes, I have.</p> <p>5 Q. This document lists the counties that decided</p> <p>6 to issue EICs on their own without a DPS personnel; is</p> <p>7 that right?</p> <p>8 A. That's right.</p> <p>9 Q. Okay. And this document is available on the</p> <p>10 DPS website; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. And is this the primary way in which</p> <p>13 voters are informed by DPS of which counties process</p> <p>14 EICs themselves?</p> <p>15 A. We send out a press release prior to the</p> <p>16 elections essentially saying this -- go to this link on</p> <p>17 the -- let me clarify that. I'm sorry.</p> <p>18 On the press release that explains the</p> <p>19 different ways to obtain an EIC, one of those is listed</p> <p>20 as "select locations" -- or "locations in select</p> <p>21 counties" will also be issuing EICs. For a list of</p> <p>22 those locations -- or "For a list of those counties,"</p> <p>23 you know, "Click here." And that is one way to get to</p> <p>24 it. You can also go to this document by going directly</p> <p>25 to our website. You don't necessarily have to go</p>

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<p style="text-align: right;">Page 53</p> <p>1 through the press release.</p> <p>2 Also, prior to the November and primary</p> <p>3 election, in our efforts to educate the public about</p> <p>4 these locations -- or excuse me, about these counties</p> <p>5 and their contact information, we also sent out those</p> <p>6 localized press releases that essentially went to that</p> <p>7 -- that targeted media group and to these areas that</p> <p>8 provided the county contact information for more</p> <p>9 information on when and where these would be available.</p> <p>10 So there are a number of --</p> <p>11 Q. Thank you. You mentioned --</p> <p>12 A. I'm sorry.</p> <p>13 Q. Thank you. And so you mentioned the press</p> <p>14 releases that had links to this document, that you could</p> <p>15 go to this document directly on your website and local</p> <p>16 press releases with the name of the actual county person</p> <p>17 who is handling the EICs; is that right?</p> <p>18 A. Yes, that's correct.</p> <p>19 Q. Okay. And in that first category, the press</p> <p>20 releases that had a link, how -- so if someone is not</p> <p>21 viewing that press release on the Internet, how would</p> <p>22 they find out about this document?</p> <p>23 MR. KEISTER: Objection, vague, ambiguous</p> <p>24 and I think also asked and answered.</p> <p>25 But go ahead, you can answer it.</p>	<p style="text-align: right;">Page 55</p> <p>1 A. The department --</p> <p>2 Q. (By Mr. Agraharkar) You can answer.</p> <p>3 A. Sure. The department provides the county</p> <p>4 contact information who will then be able to provide the</p> <p>5 locations, dates and times for the EIC availability.</p> <p>6 Q. Okay. Thank you. Does this document exist in</p> <p>7 Spanish?</p> <p>8 MR. KEISTER: Objection, vague.</p> <p>9 A. I don't know.</p> <p>10 Q. (By Mr. Agraharkar) All right. To your</p> <p>11 knowledge, does it exist in Spanish?</p> <p>12 A. I don't know.</p> <p>13 Q. Right. Have you seen a Spanish version of this</p> <p>14 document?</p> <p>15 A. Not that I recall.</p> <p>16 Q. And I recall you don't remember -- I'm sorry.</p> <p>17 I assume you don't recall seeing it in any other</p> <p>18 languages other than Spanish?</p> <p>19 A. I don't recall seeing it in Spanish or another</p> <p>20 language.</p> <p>21 Q. Thank you. Do you know how many people in</p> <p>22 Texas speak only Spanish?</p> <p>23 A. I don't.</p> <p>24 Q. Thanks.</p> <p>25 I want to switch topics to publicizing the</p>
<p style="text-align: right;">Page 54</p> <p>1 A. Again, the effort to make these county contact</p> <p>2 -- the information about these county contacts available</p> <p>3 to the public was through media efforts and outreach</p> <p>4 efforts. So certainly the big blast out to the hundreds</p> <p>5 of media outlets that we have, as well as posting this</p> <p>6 on the website, and then through the targeted media</p> <p>7 outreach for each of these counties were the ways that</p> <p>8 the public would have access to that.</p> <p>9 Q. (By Mr. Agraharkar) Okay. With respect to this</p> <p>10 document, is it accurate that this document does not</p> <p>11 advertise when or where EICs will be available except to</p> <p>12 tell readers to contact the counties themselves for that</p> <p>13 information?</p> <p>14 MR. KEISTER: Objection, vague.</p> <p>15 A. This document says, "For locations, dates and</p> <p>16 times that EICs will be available, contact any of the</p> <p>17 following counties," and then it lists the contact name</p> <p>18 and contact information for each of the different</p> <p>19 counties.</p> <p>20 Q. (By Mr. Agraharkar) Okay. So does DPS track --</p> <p>21 or does your office within DPS track or otherwise</p> <p>22 advertise what those hours or locations would be other</p> <p>23 than to provide that information?</p> <p>24 MR. KEISTER: Objection, vague and</p> <p>25 compound.</p>	<p style="text-align: right;">Page 56</p> <p>1 other EIC mobile units. The DPS was responsible for</p> <p>2 publicizing units other than the ones that counties</p> <p>3 process themselves; is that correct?</p> <p>4 MR. KEISTER: Objection, vague.</p> <p>5 A. We did publicize the DPS run mobile stations,</p> <p>6 EIC mobile stations.</p> <p>7 Q. (By Mr. Agraharkar) Okay. And that was done</p> <p>8 through the same avenues you mentioned earlier: Press</p> <p>9 releases and -- well, what other ways do you use to</p> <p>10 publicize those?</p> <p>11 A. Statewide press releases, information on our</p> <p>12 website, social media and localized press releases as</p> <p>13 well as interviews and responses to media inquiries.</p> <p>14 Q. Okay. And has DPS conducted any community</p> <p>15 meetings or town halls or other community trainings on</p> <p>16 how to find those?</p> <p>17 A. The media office has not, but I can't speak to</p> <p>18 the other offices.</p> <p>19 Q. Okay. And has DPS conducted any outreach to</p> <p>20 specific people who the DPS might have reason to believe</p> <p>21 do not have ID?</p> <p>22 A. Through our website, I would say that the</p> <p>23 purpose of posting that information, all of this</p> <p>24 information on our website, as well as through the press</p> <p>25 releases, the goal was to make sure that anyone who is</p>

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<p style="text-align: right;">Page 57</p> <p>1 eligible for one of these EICs knows about it and knows</p> <p>2 about the availability.</p> <p>3 Q. Okay. And when you say through your website,</p> <p>4 how do you conduct outreach to specific people through</p> <p>5 your website?</p> <p>6 A. By making that information available on the</p> <p>7 website. There are -- you know, a significant amount of</p> <p>8 information that's on our website for the main goal of</p> <p>9 informing the public about what services we provide.</p> <p>10 Q. Okay. Thank you.</p> <p>11 And are you aware that the Secretary of</p> <p>12 State has compared a database of registered voters to a</p> <p>13 database of people who have a DPS ID record and has a</p> <p>14 list of names of people who did not match?</p> <p>15 MR. KEISTER: Objection, form, outside the</p> <p>16 scope of this designated witness for this deposition.</p> <p>17 But to the extent you can answer.</p> <p>18 A. I don't -- I'm not familiar with that</p> <p>19 information.</p> <p>20 Q. (By Mr. Agraharkar) Okay. No one has told the</p> <p>21 media office that information; is that right?</p> <p>22 MR. KEISTER: Same objection.</p> <p>23 A. It's possible that that information, you know,</p> <p>24 was -- may have been shared with us, but I'm not</p> <p>25 familiar with it and can't recall it specifically as we</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. Thank you.</p> <p>2 And do you send it out in Spanish as</p> <p>3 well?</p> <p>4 A. We do not.</p> <p>5 Q. Okay. I'd like to mark another exhibit, it's a</p> <p>6 document titled County Processing Election</p> <p>7 Identification Certificates.</p> <p>8 THE COURT REPORTER: I'm sorry?</p> <p>9 MS. COHAN: Can you repeat the title,</p> <p>10 Vishal?</p> <p>11 Q. (By Mr. Agraharkar) Sure. It's "County</p> <p>12 Processing Election Identification Certificates" and it</p> <p>13 references San Augustine County.</p> <p>14 A. And may I add something to the last question?</p> <p>15 Q. Sure.</p> <p>16 A. While we don't issue information in Spanish, I</p> <p>17 will -- I can confirm that we do have a number of</p> <p>18 Spanish language media outlets on our distribution list</p> <p>19 that we work with regularly.</p> <p>20 Q. Okay. So you rely on them to translate the</p> <p>21 information in your press releases; is that right?</p> <p>22 A. We send it over to them. We send all of our</p> <p>23 news releases that go statewide to those Spanish</p> <p>24 language media outlets in English.</p> <p>25 Q. Thank you. Have you had a chance to look at</p>
<p style="text-align: right;">Page 58</p> <p>1 didn't deal with any of that information.</p> <p>2 Q. (By Mr. Agraharkar) Okay. Thank you.</p> <p>3 I'm going to ask one more question about</p> <p>4 press releases. What is the process they use when you</p> <p>5 issue a statewide press release?</p> <p>6 A. Well, we send it through two groups. We'll</p> <p>7 send it through our -- essentially it's a ListServ that</p> <p>8 we've collected over the years and has hundreds of media</p> <p>9 outlets on it, and I apologize, I don't have the exact</p> <p>10 number but it's hundreds of media outlets that are, you</p> <p>11 know, either local press, weeklys, you know, when we're</p> <p>12 talking about print, weeklys, editorials. We'll have</p> <p>13 radio. We'll also have television stations on there.</p> <p>14 The Associated Press, of course, you know, a number of</p> <p>15 national members of the media who typically receive our</p> <p>16 information, beat reporters that cover, you know, any</p> <p>17 number of issues that are related to the department. So</p> <p>18 that's one way.</p> <p>19 And then secondly, we have a subscription</p> <p>20 to the Texas Media Directory so we will send to the</p> <p>21 hundreds of media outlets on there, and I would -- I</p> <p>22 would venture to say there's close to 2000 that we send</p> <p>23 when we send it to statewide media outlets, and again</p> <p>24 that includes those same types of categories with</p> <p>25 different outlets on it.</p>	<p style="text-align: right;">Page 60</p> <p>1 the document that's been marked I believe as 126?</p> <p>2 A. Not just yet. Sorry.</p> <p>3 Q. Take your time.</p> <p>4 MR. KEISTER: You've got to stop talking</p> <p>5 so the court reporter can mark it. He's looking at us.</p> <p>6 THE COURT REPORTER: Thank you.</p> <p>7 (Exhibit 126 marked for identification.)</p> <p>8 (Handed to witness and counsel.)</p> <p>9 A. Okay, I reviewed it.</p> <p>10 Q. (By Mr. Agraharkar) Thanks. And have you seen</p> <p>11 this before?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And is this a typical press release</p> <p>14 issued from the DPS to publicize EIC to people in the</p> <p>15 county where the counties agree to offer EIC?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And am I right that there's no DPS phone</p> <p>18 number or hotline listed on here to people who want to</p> <p>19 speak to a DPS customer service representative directly?</p> <p>20 A. Specifically on this, no, there is not;</p> <p>21 however, the link below does send you to our website</p> <p>22 which does have all of our contact information on it and</p> <p>23 additional and detailed information about the EIC.</p> <p>24 Q. Okay. So someone had would have to have</p> <p>25 Internet access in order to access the information from</p>

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<p>Page 61</p> <p>1 this press release to get to a phone number --</p> <p>2 A. Yes.</p> <p>3 Q. -- is that right? Okay.</p> <p>4 So a Spanish speaker who received this</p> <p>5 press release or translated version of this, they would</p> <p>6 be directed -- they would be directed by this press</p> <p>7 release to contact the San Augustine elections</p> <p>8 administrator; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. And to your knowledge, is that local contact</p> <p>11 required to be able to speak Spanish?</p> <p>12 A. I don't have knowledge of that.</p> <p>13 Q. Okay. And this is a typical press release</p> <p>14 issued for county run EICs, all of them with all the</p> <p>15 same template; isn't that right?</p> <p>16 A. Yes, that's correct.</p> <p>17 Q. Okay. Thank you. We'll move on to social</p> <p>18 media. You mentioned that DPS also uses social media to</p> <p>19 do outreach; is that correct?</p> <p>20 A. Yes, that's correct.</p> <p>21 Q. And I believe you testified that you use</p> <p>22 Twitter and Facebook; is that right?</p> <p>23 A. That's right, yes.</p> <p>24 Q. Okay. And no other forms of social media; is</p> <p>25 that correct?</p>	<p>Page 63</p> <p>1 A. I -- I would be speculating if I answered that.</p> <p>2 Q. Okay. Thanks. And moving on to the</p> <p>3 website. Are you familiar with the DPS website?</p> <p>4 A. Yes.</p> <p>5 Q. Have you had any involvement in how its</p> <p>6 designed or laid out?</p> <p>7 A. That is a -- I guess that's a purview of the IT</p> <p>8 department, although I do have some involvement with the</p> <p>9 approval or review of content that's posted on some</p> <p>10 issues.</p> <p>11 Q. Okay. So to the extent it can help in voter</p> <p>12 outreach, you might provide some input; is that fair to</p> <p>13 say?</p> <p>14 A. Sure.</p> <p>15 Q. Okay. Is information about the EIC available</p> <p>16 on the front page of the DPS website?</p> <p>17 A. Through the driver license portal, you can</p> <p>18 access that and at various times when the EIC message is</p> <p>19 being featured, yes, you can access that from the home</p> <p>20 page.</p> <p>21 Q. Okay. And so to do so, you would have to click</p> <p>22 on "driver licenses" and not something that says "EIC"</p> <p>23 or anything with respect to voting; is that correct?</p> <p>24 A. From time to time, we do feature the EIC on the</p> <p>25 home page so can you read the words Electronic</p>
<p>Page 62</p> <p>1 A. That's correct.</p> <p>2 Q. Okay. And DPS doesn't purchase any sponsored</p> <p>3 Tweets or Facebook content to advertise EIC; is that</p> <p>4 correct?</p> <p>5 A. Right. As we don't -- again, we don't have a</p> <p>6 budget for those types of activities.</p> <p>7 Q. Okay.</p> <p>8 A. For any issue.</p> <p>9 Q. And was there -- I'm sorry. Was there any</p> <p>10 research done to determine whether the people who</p> <p>11 followed DPS on Facebook and Twitter were the people who</p> <p>12 need education with respect to EIC?</p> <p>13 A. We don't conduct that type of research for any</p> <p>14 of our outreach efforts.</p> <p>15 Q. Okay. And DPS's primary mission is law</p> <p>16 enforcement, would you say that's accurate?</p> <p>17 A. No.</p> <p>18 Q. What would you say is their primary mission?</p> <p>19 A. To serve and protect Texans.</p> <p>20 Q. Okay. Prior to the creation of EIC, did DPS</p> <p>21 play a role with respect to voter education?</p> <p>22 A. I'm not aware of that.</p> <p>23 Q. Okay. So is there any reason to believe that</p> <p>24 people follow DPS on social media to obtain information</p> <p>25 about elections?</p>	<p>Page 64</p> <p>1 Identification Certificate -- or excuse me, Election</p> <p>2 Identification Certificate on the home page and click on</p> <p>3 that to access additional information.</p> <p>4 Q. When you say -- thank you. And when you say</p> <p>5 time to time, when has it been featured in the past?</p> <p>6 A. Anytime we put out a press release about the</p> <p>7 EIC and sometimes -- and I apologize, I don't have the</p> <p>8 exact dates that we did this, but at times we have held</p> <p>9 that message as the primary home page featured press</p> <p>10 release and we'll do that on a number of issues. As I</p> <p>11 mentioned earlier, hurricane season, we'll hold that as</p> <p>12 the primary feature even though we'll continue to put</p> <p>13 out additional news releases throughout the week. If</p> <p>14 there's something, you know, that from time to time is</p> <p>15 relevant time-wise, we'll just keep that as a feature,</p> <p>16 and we've done that with EIC.</p> <p>17 Q. Okay. But it's not on the front page of the</p> <p>18 website as you stand -- as you sit here today?</p> <p>19 A. I don't think so because I think we put out a</p> <p>20 press release today.</p> <p>21 Q. Okay. Okay. I'd like to introduce another</p> <p>22 exhibit.</p> <p>23 MR. KEISTER: Counsel, we've been going</p> <p>24 about an hour and a half. If you're at a convenient</p> <p>25 spot, can we take a break?</p>



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<p style="text-align: right;">Page 65</p> <p>1 MR. AGRAHARKAR: Sure. That's fine.</p> <p>2 MR. KEISTER: Okay.</p> <p>3 THE WITNESS: Thanks.</p> <p>4 (Recess.)</p> <p>5 Q. (By Mr. Agraharkar) I believe I was asking for</p> <p>6 the -- to mark the exhibit that is titled Texas</p> <p>7 Department of Public Safety. It's an image of the front</p> <p>8 page of the website. I'd like to mark that I guess as</p> <p>9 127. Let me know when you've had a chance to look at</p> <p>10 it.</p> <p>11 (Exhibit 127 marked for identification.)</p> <p>12 (Handed to witness and counsel.)</p> <p>13 A. Okay.</p> <p>14 Q. (By Mr. Agraharkar) Okay. And this is the</p> <p>15 front page of the DPS website, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And if I tell you that I printed this</p> <p>18 out on May 19th, would that -- does that sound accurate</p> <p>19 to you? Would you believe me?</p> <p>20 A. We've only just met.</p> <p>21 Q. And you can't see me in person. But</p> <p>22 okay. I'll represent to you that I printed this out on</p> <p>23 May 19th. Is it true that there's no link on this front</p> <p>24 page to EIC currently?</p> <p>25 A. Directly to EIC from the front page, no.</p>	<p style="text-align: right;">Page 67</p> <p>1 I know how the page is translated into Spanish?</p> <p>2 A. I don't.</p> <p>3 Q. Do you know whether someone at DPS translated</p> <p>4 all the text and put it onto the website?</p> <p>5 A. I don't know how that feature works.</p> <p>6 Q. Okay. Thank you.</p> <p>7 I'd like to introduce another document,</p> <p>8 another page from the website that's titled Election</p> <p>9 Identification Certificates. It's --</p> <p>10 (Exhibit 128 marked for identification.)</p> <p>11 (Handed to witness and counsel.)</p> <p>12 Q. (By Mr. Agraharkar) Is the court reporter</p> <p>13 finished and have you had a chance to look at it?</p> <p>14 A. Just a moment, please.</p> <p>15 Q. Okay.</p> <p>16 A. Yes, I have had a chance to look at that, and</p> <p>17 it's been numbered.</p> <p>18 Q. Okay. Thank you. And have you seen this</p> <p>19 before?</p> <p>20 A. Yes.</p> <p>21 Q. Is this the page of the DPS website that</p> <p>22 informs people about the requirements of obtaining EICs,</p> <p>23 correct?</p> <p>24 A. Correct.</p> <p>25 Q. And is this page available in Spanish?</p>
<p style="text-align: right;">Page 66</p> <p>1 Q. Okay. Thank you. And do you know whether</p> <p>2 currently mobile stations are offering Saturday hours to</p> <p>3 get an EIC event occurring in the State right now?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And why is that?</p> <p>6 A. That might be a better question for the driver</p> <p>7 license division on the why. But we have promoted that</p> <p>8 it -- that is available.</p> <p>9 Q. Okay. So there's some outreach effort to get</p> <p>10 people EICs that's currently going on but there's no</p> <p>11 link to EIC on the front page currently; is that</p> <p>12 accurate?</p> <p>13 A. Currently on the front page, correct.</p> <p>14 Q. Okay. Is this page available in Spanish?</p> <p>15 A. I'm not sure.</p> <p>16 Q. Okay. Do you see somewhere on the page where</p> <p>17 you can view it in Spanish if you so wanted?</p> <p>18 A. It looks like down below there is an option to</p> <p>19 click on "Spanish."</p> <p>20 Q. Okay. And where is that?</p> <p>21 A. The bottom right. There's a number of texts</p> <p>22 that's centered just above the copyright 2000 to 2011,</p> <p>23 Texas Department of Public Safety. It's on the far</p> <p>24 right.</p> <p>25 Q. Okay. And if you click on that link, do you</p>	<p style="text-align: right;">Page 68</p> <p>1 A. I believe so, yes. There's an option to click</p> <p>2 on the Spanish version.</p> <p>3 Q. Okay. Thank you. And I'd like to introduce</p> <p>4 one more document, it's the Spanish version of that</p> <p>5 page.</p> <p>6 (Exhibit 129 marked for identification.)</p> <p>7 (Handed to witness and counsel.)</p> <p>8 A. Okay. I've had an opportunity to look at it.</p> <p>9 Q. (By Mr. Agraharkar) Okay. If I tell that you</p> <p>10 this is a screen print of what one sees when someone</p> <p>11 clicks on the word "Espanol" on the top left corner of</p> <p>12 the previous page we were looking at, would that sound</p> <p>13 accurate to you?</p> <p>14 MR. KEISTER: Objection, calls for</p> <p>15 speculation.</p> <p>16 Q. (By Mr. Agraharkar) You can answer.</p> <p>17 A. I understand that that's what you've relayed to</p> <p>18 me.</p> <p>19 Q. Have you ever clicked on the word "Espanol" on</p> <p>20 the top left-hand corner of the previous page that I</p> <p>21 showed you?</p> <p>22 A. Yes.</p> <p>23 Q. Did you see something different than what this</p> <p>24 looks like?</p> <p>25 A. I don't recall specifically but it does look</p>

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<p style="text-align: right;">Page 69</p> <p>1 similar, yes.</p> <p>2 Q. Okay. And do you use Google translate to</p> <p>3 translate your Web pages to Spanish?</p> <p>4 A. The media office is not involved in any</p> <p>5 translation of our Web page or of our website.</p> <p>6 Q. Okay. So was there any pressings done to</p> <p>7 determine if this was accurate and comprehensible in</p> <p>8 Spanish?</p> <p>9 A. The media office is not involved in</p> <p>10 translations on our website, so I would not have</p> <p>11 knowledge of that.</p> <p>12 Q. Okay. So the media office does not do any</p> <p>13 translation to determine if its website was accessible</p> <p>14 to the Spanish speakers; is that accurate?</p> <p>15 A. The media office does not partake in that type</p> <p>16 of activity, no.</p> <p>17 Q. Okay. And was it tested -- or did the media</p> <p>18 office test it or anyone else in media office test it to</p> <p>19 see if the hyperlink on the page still worked when it</p> <p>20 had been translated by Google?</p> <p>21 A. The media office was not involved in that</p> <p>22 process. But I can't speak to another division.</p> <p>23 Q. Okay. Thank you.</p> <p>24 A. Sure.</p> <p>25 Q. I'd like to introducing one more document. And</p>	<p style="text-align: right;">Page 71</p> <p>1 form which we provide on our -- on the Web pages that do</p> <p>2 describe the information related to EICs. And if I'm --</p> <p>3 Q. And that link --</p> <p>4 A. I'm sorry.</p> <p>5 Q. I'm sorry.</p> <p>6 A. If I'm not mistaken, we may actually have a</p> <p>7 link in our news releases to that application as well.</p> <p>8 Q. Okay. Thank you. So are you aware whether</p> <p>9 that form is available in Spanish?</p> <p>10 A. I'm not aware.</p> <p>11 Q. Okay. I'd like to switch topics once more.</p> <p>12 Did DPS use any posters to educate the public about EIC?</p> <p>13 A. The media office did not; but as I understand</p> <p>14 it, the driver license division did.</p> <p>15 Q. Okay. And so --</p> <p>16 A. I'm not sure if -- I'm not sure if it's</p> <p>17 assistant director Joe Peters or anyone else from driver</p> <p>18 license spoke to that, but the media office was not part</p> <p>19 of that production.</p> <p>20 Q. Okay. Thank you. Do you play a role in</p> <p>21 developing the content or were you consulted about the</p> <p>22 content of those posters as all?</p> <p>23 A. It's possible, but I don't recall specifically.</p> <p>24 Q. Okay. And did the driver license division --</p> <p>25 strike that.</p>
<p style="text-align: right;">Page 70</p> <p>1 I imagine this is the on that was wrongly given to the</p> <p>2 court reporter before entitled "Election Identification</p> <p>3 Certificate Documentation Requirements." And please let</p> <p>4 me know when you've had a chance to look at it.</p> <p>5 (Exhibit 130 marked for identification.)</p> <p>6 (Handed to witness and counsel.)</p> <p>7 A. Okay.</p> <p>8 Q. (By Mr. Agraharkar) Have you seen this before?</p> <p>9 A. Yes, I have.</p> <p>10 Q. Okay. And this is a page from the DPS website</p> <p>11 that shows what documents are necessary to obtain an</p> <p>12 EIC; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know whether this page is available in</p> <p>15 Spanish?</p> <p>16 A. I don't know that.</p> <p>17 Q. Okay. And there's no link on the top left-hand</p> <p>18 corner of this page like there was on the EIC landing</p> <p>19 page that said "Espanol"; is that accurate?</p> <p>20 A. That's accurate.</p> <p>21 Q. Okay. Thank you. And switching topics, are</p> <p>22 you familiar with the application form for obtaining an</p> <p>23 EIC?</p> <p>24 A. I'm not familiar with the content of the</p> <p>25 application form, but I am familiar with the link to the</p>	<p style="text-align: right;">Page 72</p> <p>1 Did you play a role in disseminating the</p> <p>2 posters in any way?</p> <p>3 A. No.</p> <p>4 Q. Okay. Thank you.</p> <p>5 A. Sure.</p> <p>6 Q. Does the voter education plan include any</p> <p>7 effort to educate people on how to obtain underlying</p> <p>8 documents needed to obtain an EIC, such as a birth</p> <p>9 certificate?</p> <p>10 A. The outreach effort that we were involved in</p> <p>11 did refer to those documents on the website. And by</p> <p>12 those document, I mean, you know, there's different</p> <p>13 requirements for the EIC, and all of those documents are</p> <p>14 listed on the website.</p> <p>15 Q. Okay. And is there anything -- going back to</p> <p>16 Exhibit 126. I'm sorry for skipping back and forth.</p> <p>17 A. That's okay.</p> <p>18 Q. But this was the -- this was the press release</p> <p>19 sent to San Augustine County in particular about the</p> <p>20 mobile EIC at that location. Is there any information</p> <p>21 on this press release regarding the underlying documents</p> <p>22 that are noted to vote?</p> <p>23 A. There is a link at the bottom that takes you to</p> <p>24 the place that has that information, and that</p> <p>25 information is accessible on that link.</p>

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<p style="text-align: right;">Page 73</p> <p>1 Q. Okay. So the primary means of educating people 2 through press releases about the underlying documents 3 needed to vote are through hyperlinks; is that accurate? 4 A. No. The -- Exhibit 126 is a message to the 5 members of the media about the information related to 6 the EIC, and as, you know, we've all seen in the media, 7 they write their stories based on information that they 8 gather about a particular topic. So for the most part, 9 in my practical experience, typically, media outlets 10 will not produce or distribute or print or publish press 11 releases, they'll take pertinent information and pieces 12 of information and relay that to the public in whatever 13 form they deem appropriate. So this was an outreach 14 effort to media equipping them with all the information 15 that we have about EICs in a -- in an efficient way. 16 Q. Okay. Thank you. 17 To your knowledge, if someone cannot 18 afford to pay for their birth certificate, can they 19 obtain one for free or at a discount? 20 MR. KEISTER: Objection, form. This is 21 outside the scope of the designated issues for this 22 witness. That would call for this witness to speculate. 23 But at that point, you can answer if you 24 can. 25 A. I don't know the answer to that question.</p>	<p style="text-align: right;">Page 75</p> <p>1 A. I don't know specifically that category, but I 2 do know in our press releases we do mention, you know, 3 for additional information about -- about exceptions to 4 this requirement an individual can contact the 5 department or the Secretary of State's office. 6 Q. Okay. Thank you. But nothing specifically to 7 your knowledge with respect to people who are homebound? 8 A. I believe our outreach effort is a bit more 9 general to anyone who might have an exception. 10 Q. Okay. Thank you. At some point in 2013, DPS 11 had a policy that would check EIC applicants for 12 outstanding warrants, correct? 13 MR. KEISTER: Objection, form, states -- 14 states facts that are not in evidence and 15 mischaracterizes previous testimony in previous 16 depositions. It's also outside of the issues which this 17 witness has been designated to testify. 18 To that extent, you can answer. 19 A. I can't speak to policy. I can just speak to 20 the media outreach efforts on EIC. 21 Q. (By Mr. Agraharkar) Okay. Did you do any 22 education with respect to whether EIC applicants are 23 checked for outstanding warrants? 24 A. We answered some media inquiries about that -- 25 about that issue.</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. (By Mr. Agraharkar) Okay. To your knowledge, 2 has your office done any education on -- assuming that 3 discounted birth certificates are available, to your 4 knowledge, has your office done any education with 5 respect to that fact? 6 MR. KEISTER: Objection, form, outside the 7 scope of the issues which this witness is designated. 8 Further, it calls for speculation. Further, it 9 mischaracterizes previous testimony and states facts 10 that are not in evidence. 11 But beyond that, you can answer if you 12 can. 13 A. The media office produced information to the 14 media about EICs, so, you know, we -- my knowledge is 15 that the department does not issue birth certificates 16 and we did not do any outreach on that. 17 Q. (By Mr. Agraharkar) Okay. Thank you. To your 18 knowledge has the DPS done -- what outreach or education 19 has the DPS done regarding assistance for people who are 20 homebound in obtaining an EIC? 21 A. I'm not sure if this -- can you specify that a 22 little bit more? I want to make sure I'm answering the 23 right question. 24 Q. Okay. To your knowledge does DPS assist people 25 who are homebound in obtaining an ID -- an EIC?</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Okay. And what were the inquiries? 2 A. There were only a couple and they generally 3 were centered around some misinformation that I believe 4 the assumption was that warrants were being checked in 5 relation to EICs. However, that was misinformation that 6 we clarified with those particular entities. 7 Q. Okay. And you said that you responded to a 8 couple of inquiries, am I characterizing your testimony 9 correctly? 10 A. That's correct. 11 Q. Okay. And beyond that, did you do any 12 affirmative outreach to the public about that issue in 13 particular? 14 A. No. Because again, there were only a couple of 15 inquiries and we addressed those directly and 16 immediately when we had the -- when we were able to 17 clarify the issue. 18 Q. Okay. Thank you. I want to switch topics once 19 again. 20 Has Texas -- I'm sorry. Has the DPS 21 conducted any research to evaluate the effectiveness of 22 your education plan with respect to the EIC? 23 A. Again, I'd like to just make sure that we're 24 characterizing it the same way or maybe I can just 25 clarify my characterization of this outreach</p>

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<p style="text-align: right;">Page 77</p> <p>1 effort. You know, we saw this, again, as an outreach 2 effort in which, you know, we utilized all the resources 3 that we have to gain earned media on this -- on this 4 effort, including such things at news releases. Every 5 time we put out a news release we put out a message 6 through our Twitter account, we put out a message 7 through Facebook, that reiterated those messages in 8 between the times that we were issuing those statewide 9 media press releases to, you know, the thousands of 10 outlets that are on our system, we were reminding folks 11 of the availability of EICs, the location of mobile 12 stations, the Saturday hours, the different 13 requirements, all of those elements that were part of 14 that -- that public message so that folks did know when 15 and where they could get these and how they could get 16 them and who was eligible. So through that 17 comprehensive outreach effort, we were able to see the 18 different media coverage that resulted from those 19 efforts. 20 So while we do not have -- and I think I 21 mentioned that before, we don't -- there wasn't a 22 research element or an analytics element to it, there 23 was absolutely the practical aspect of what we know to 24 be effective and that's using these different earned 25 media efforts to push those messages, and we saw the</p>	<p style="text-align: right;">Page 79</p> <p>1 in outreach, is there a number that you would use? 2 A. We don't have -- we're not doing that at the 3 moment because, again, this isn't in the media and 4 communication office knowledge that -- however, if an 5 individual were to mistakenly call our office, we would 6 refer them over to the driver license division. 7 Q. Okay. And there's nothing on this page to -- 8 that would tell someone what number they might call if 9 they had a question with obtaining -- about obtaining 10 EIC, to your knowledge? 11 A. The -- well, there are a lot of numbers on 12 here. I think that anyone could call certainly the 13 Austin headquarters number if they needed some 14 assistance. However, I do not see the term "EIC" on 15 here. 16 Q. Okay. And the Austin headquarters number, is 17 that is a 800 number or a toll free number? 18 A. I see a 512 area code. 19 Q. Okay. And the driver license customer service 20 number that's listed on there, is that an 800 number? 21 A. I see a 512 area code listed. I'm not -- I 22 can't speak to the -- what happens when you call that 23 number, if that's routed to an 800 number or not. I'm 24 just not aware. 25 Q. Okay. Thank you.</p>
<p style="text-align: right;">Page 78</p> <p>1 return on that. 2 Q. Okay. Thank you. I'd like to introduce one 3 more document. It's the Contact Us page of the website. 4 Just let me know when you've had a chance to look at it. 5 A. Okay. Just a moment, please. 6 Q. Sure. 7 (Exhibit 131 marked for identification.) 8 (Handed to witness and counsel.) 9 A. Okay. 10 Q. (By Mr. Agraharkar) Thanks. Can you tell me 11 what this is? 12 A. The contact page for the Department of Public 13 Safety. 14 Q. Thanks. Do you have a hotline for people who 15 have questions or complaints about EIC? 16 A. I don't have any knowledge of that as it does 17 not relate to the media and communications office 18 operation. 19 Q. Okay. And if people have questions about how 20 to obtain EIC, that doesn't go -- that's not within the 21 media and communications purview? 22 A. Correct. We deal with members of the media as 23 our primary customers in the media office. 24 Q. Okay. And are you aware, if you were to 25 advertise a hotline or phone number for people to call</p>	<p style="text-align: right;">Page 80</p> <p>1 A. But listed on here, I see a 512 area code. 2 Q. Okay. Thank you. I think that's all the 3 questions we have right now. 4 We'll pass the witness. 5 MR. KEISTER: Guys, I hate to do this but 6 I've got to run down the hall. 7 MS. COHAN: It's all right. We have to 8 grab the next set of documents anyway. 9 We'll go off the record for five minutes. 10 (Recess taken from 4:07 p.m. to 4:15 p.m.) 11 EXAMINATION 12 BY MR. FREEMAN: 13 Q. Thank you, Ms. Cesinger, for taking the 14 time. If we could actually pull back up Exhibit 124 -- 15 A. Okay. 16 Q. -- which I believe is the Media Plan. Am I 17 correct that Exhibit 124 states that on September 24, 18 2013, you issued a statewide press release indicating 19 that DPS mobile stations would issue EICs across Texas 20 beginning October 1, 2013? 21 A. That is what that says on the outreach effort 22 timeline, yes. 23 Q. Did this include DPS mobile stations in 24 counties that do have driver license offices, the 25 subject of this press release?</p>



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<p style="text-align: right;">Page 81</p> <p>1 A. Can you say that again? I'm sorry.</p> <p>2 Q. Does the subject of this press release include</p> <p>3 DPS mobile stations in counties that do have permanent</p> <p>4 driver license offices?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you know as of September 24, 2013, the</p> <p>7 temporary locations and the hours that those locations</p> <p>8 would be open had been established for the period from</p> <p>9 October 1 until November 2013?</p> <p>10 A. I don't recall specifically.</p> <p>11 Q. Do you know if that press release included the</p> <p>12 location and hours of those temporary locations?</p> <p>13 A. I have -- as I mentioned at the beginning of</p> <p>14 the deposition, I do have a copy of those press releases</p> <p>15 here.</p> <p>16 Q. If you can take a moment to take a look at that</p> <p>17 very quickly and refresh your recollection, I would</p> <p>18 appreciate it.</p> <p>19 A. Great. Thank you. Okay.</p> <p>20 Q. Ms. Cesinger, now that your recollection has</p> <p>21 been refreshed, did the September 24, 2013, press</p> <p>22 release include the locations and hours of temporary DPS</p> <p>23 locations that would be established from October 1st</p> <p>24 through the November 2013 election?</p> <p>25 A. The September 24th press release includes a</p>	<p style="text-align: right;">Page 83</p> <p>1 locations.</p> <p>2 Q. Okay. When you issue a statewide press</p> <p>3 release, do you reach out directly to any non-media</p> <p>4 organizations?</p> <p>5 A. Not that I can think of.</p> <p>6 Q. So you don't send your press releases to any</p> <p>7 churches?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. And you don't send press releases to chapters</p> <p>10 of the NAACP?</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. You don't send press releases to chapters of</p> <p>13 LULAC?</p> <p>14 A. Not to my knowledge. We send our press</p> <p>15 releases to members of the media.</p> <p>16 Q. Okay. Do you know if the September 24, 2013,</p> <p>17 press release included instruction regarding the</p> <p>18 materials that a voter would have to bring to a DPS</p> <p>19 mobile station in order to obtain an EIC?</p> <p>20 A. Just a moment, please. There is reference in</p> <p>21 that September 24, 2013, press release on the second</p> <p>22 page that begins to talk about the requirements of an</p> <p>23 applicant. The paragraph starts, "To apply for an EIC,</p> <p>24 applicants must visit a driver license office or EIC</p> <p>25 mobile station and complete an application for Texas</p>
<p style="text-align: right;">Page 82</p> <p>1 link to a schedule for the 25 EIC mobile stations whose</p> <p>2 locations and times were going to be determined by the</p> <p>3 Secretary of State's office.</p> <p>4 Q. Do you know if those were the DPS mobile</p> <p>5 locations that would be in counties that did not</p> <p>6 otherwise have driver license offices or do you know if</p> <p>7 it linked to those DPS mobile locations that would be in</p> <p>8 counties that already did have driver's license offices?</p> <p>9 A. The DPS mobile stations that were being -- that</p> <p>10 are now run by DPS employees and deployed to counties in</p> <p>11 which there are not current driver license offices in</p> <p>12 them, I do not believe were referenced in this press</p> <p>13 release.</p> <p>14 Q. They were not?</p> <p>15 A. I don't -- I don't believe so because these are</p> <p>16 referenced -- this references those determined by the</p> <p>17 Secretary of State's office.</p> <p>18 Q. And the ones that were run by the Secretary of</p> <p>19 State's office, those were ones that were in counties</p> <p>20 that did not have a driver's license office; is that</p> <p>21 correct?</p> <p>22 A. I don't recall exactly where those were located</p> <p>23 as they were determined by the Secretary of State's</p> <p>24 office but we did refer folks over to the Secretary of</p> <p>25 State office website for the schedule of those</p>	<p style="text-align: right;">Page 84</p> <p>1 Election Certificate, DL-14C." And then below that, it</p> <p>2 says, "To qualify for an EIC, an applicant must bring</p> <p>3 documentation to verify U.S. citizenship, bring</p> <p>4 documentation to verify identity, be eligible to vote in</p> <p>5 Texas, bring a valid voter registration card or submit a</p> <p>6 voter registration application through DPS, be a Texas</p> <p>7 resident, be 17-years-and-10-months old or older." And</p> <p>8 then below that, the sentence reads, "To avoid delays or</p> <p>9 complications, DPS urges potential applicants to make</p> <p>10 sure they have the necessary documentation before</p> <p>11 arriving at the office or mobile station."</p> <p>12 Q. Does the press release state what types of</p> <p>13 documents are necessary to fulfill those requirements?</p> <p>14 A. There is, I believe -- and I'm sorry, I don't</p> <p>15 have that press release pulled up in front of me, but I</p> <p>16 believe those -- those either bolded or underlined words</p> <p>17 are hyperlinked.</p> <p>18 Q. I see. So someone just reading the press</p> <p>19 release would not know, but if they were on a computer,</p> <p>20 they could take the initiative to follow up and find</p> <p>21 out; is that correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Going back to --</p> <p>24 A. And --</p> <p>25 Q. -- to -- well, actually -- I'm sorry, one more</p>

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<p>Page 85</p> <p>1 question: If an individual goes to a mobile station</p> <p>2 that's only on location for one day and they don't have</p> <p>3 their underlying documents, they can't come back the</p> <p>4 next day with their documents and get an EIC, right?</p> <p>5 MR. KEISTER: Objection, form, calls for</p> <p>6 speculation. In addition, it's beyond the issues this</p> <p>7 witness is designated to testify for today.</p> <p>8 To the extent you can, answer the</p> <p>9 question.</p> <p>10 Q. (By Mr. Freeman) You may answer.</p> <p>11 A. We -- we have knowledge of the schedules for</p> <p>12 the DPS run mobile station as well as these Secretary of</p> <p>13 State's office mobile station location schedules, and</p> <p>14 that's what we promoted.</p> <p>15 Q. But if an individual comes to a mobile location</p> <p>16 that's only there for one day and they don't have their</p> <p>17 documents, they can't come back the next day and get an</p> <p>18 EIC even if they bring their documents, correct?</p> <p>19 MR. KEISTER: Objection, form, calls for</p> <p>20 speculation. In addition, it's beyond the issues for</p> <p>21 which this witness has been designated to testify today.</p> <p>22 But to the extent you understood the</p> <p>23 question, you may answer.</p> <p>24 Q. (By Mr. Freeman) You may answer.</p> <p>25 A. I suppose that would be correct.</p>	<p>Page 87</p> <p>1 A. As I said, we don't have -- we didn't do any</p> <p>2 analytics on which particular entities covered it,</p> <p>3 covered the press release that we sent out, but what we</p> <p>4 did monitor was, when we were sending out these</p> <p>5 messages, was there coverage about election</p> <p>6 identification certificates. And again, in our</p> <p>7 practical experience, although we don't have analytical</p> <p>8 information to point to, we did see that when there was</p> <p>9 an uptick in the release of that information, there was</p> <p>10 an uptick in the coverage of that information as well.</p> <p>11 Q. That didn't quite answer my question. My</p> <p>12 question was: If you saw that a particular press</p> <p>13 release had not been picked up in, say, let's say, the</p> <p>14 Corpus Christi Caller, if you sent out a local press</p> <p>15 release to Corpus Christi, would you follow up with a</p> <p>16 particular newspaper or with any writers of that</p> <p>17 newspaper to make sure that they did write about</p> <p>18 temporary EIC locations?</p> <p>19 A. That's why I was trying to clarify or explain</p> <p>20 how we do monitor the press coverage of that, because</p> <p>21 the way that we monitor it is generally to see when</p> <p>22 we're putting out press releases is the media covering</p> <p>23 that. And when we saw the uptick in release, we did see</p> <p>24 the uptick in coverage. We were not specifically -- and</p> <p>25 -- you know, I don't know that -- we haven't done this</p>
<p>Page 86</p> <p>1 Q. Thank you. Going back to Exhibit 124, the</p> <p>2 outreach campaign plan states that from October 25,</p> <p>3 2013, to November 5, 2013, DPS issued local press</p> <p>4 releases, and that's in 25 mobile station locations and</p> <p>5 their schedules in select areas of the state, correct?</p> <p>6 A. Correct.</p> <p>7 Q. During the period from October 25, 2013, to</p> <p>8 November 5, 2013, how far in advance of a particular</p> <p>9 mobile location operating would you issue a local press</p> <p>10 release?</p> <p>11 A. It varied but on average I would -- I would say</p> <p>12 several days.</p> <p>13 Q. Several days. So three to five?</p> <p>14 A. I think that's a good summary.</p> <p>15 Q. Okay. Would you monitor whether your local</p> <p>16 press release had been picked up in the local media?</p> <p>17 A. Yes, in the same way that we monitor all our</p> <p>18 messages. I think I may have mentioned before but, yes,</p> <p>19 we would -- as we push out press releases, we monitor</p> <p>20 media coverage of that through various websites and</p> <p>21 different media entities.</p> <p>22 Q. And if -- if a particular press release didn't</p> <p>23 get any attraction, would you follow up at all with</p> <p>24 individual reporters or publications to make sure that</p> <p>25 they published something?</p>	<p>Page 88</p> <p>1 for any messages that we send out. We don't -- we don't</p> <p>2 confirm that every single media outlet that we've sent a</p> <p>3 press release to covers the -- whatever that -- the</p> <p>4 message of that press release was. But we do feel</p> <p>5 there's an obligation for us to monitor the messages</p> <p>6 that we send out to make sure that the press is covering</p> <p>7 that in a general sense; otherwise, you know, clearly</p> <p>8 the connection is not being made.</p> <p>9 Q. I see.</p> <p>10 A. So I hope that --</p> <p>11 Q. So with regard to any individual local press</p> <p>12 release, you have no basis to know whether any</p> <p>13 particular local press release was picked up and that</p> <p>14 the location were publicized, correct?</p> <p>15 A. Sitting here today, I cannot tell you</p> <p>16 that. However, you know, I could certainly do, you</p> <p>17 know, a search and confirm that, but we don't have any</p> <p>18 -- any system where we have tracked that.</p> <p>19 Q. Okay. To your knowledge are individuals who</p> <p>20 would need an EIC more -- more or less likely than the</p> <p>21 general population to be poor?</p> <p>22 MR. KEISTER: Objection, form, calls for</p> <p>23 speculation of this witness. In addition, it's beyond</p> <p>24 the scope the issues she had been designated to testify</p> <p>25 for.</p>

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<p style="text-align: right;">Page 89</p> <p>1 But to the extent you understand and can</p> <p>2 answer it, you may.</p> <p>3 A. I don't have any knowledge of that.</p> <p>4 Q. (By Mr. Freeman) Did you tailor your media</p> <p>5 campaign at all to the likely audience of individuals</p> <p>6 who might need an EIC?</p> <p>7 A. Again, I don't have knowledge of those</p> <p>8 individuals who might likely need an EIC, and because</p> <p>9 this is such a broad issue, you know, similar to a lot</p> <p>10 of the issues that we deal with at the department and</p> <p>11 the services that we provide, we sent this to all media</p> <p>12 contacts that we had in an effort to have the widest</p> <p>13 reach possible.</p> <p>14 Q. So, no, you did not tailor your media campaign</p> <p>15 to the specific likely audience of individuals who would</p> <p>16 need -- who might need an EIC, correct?</p> <p>17 MR. KEISTER: Objection, form, calls for</p> <p>18 speculation, mischaracterizes the testimony. Further,</p> <p>19 there's no evidence as to what the likely population is</p> <p>20 that would need an EIC to be targeted to.</p> <p>21 Q. (By Mr. Freeman) I'm questioning solely whether</p> <p>22 DPS's media campaign was specifically targeted -- this</p> <p>23 media campaign was specifically targeted to a particular</p> <p>24 likely audience that you believe might be more likely to</p> <p>25 need an EIC?</p>	<p style="text-align: right;">Page 91</p> <p>1 to individuals who have access to computers, correct?</p> <p>2 A. I had -- I would say yes and no only because</p> <p>3 I've seen photos of Tweets that news reporters have</p> <p>4 published on television, for instance. If they say, you</p> <p>5 know, just today this entity has issued a Tweet related</p> <p>6 to this issue, I've -- in practical experience, I've</p> <p>7 seen that. And that kind of qualifies my comment</p> <p>8 earlier, that it may extend beyond that. But for the</p> <p>9 general public, yes, you would need to go --</p> <p>10 Q. How many people follow DPS on Twitter?</p> <p>11 A. I'm sorry?</p> <p>12 Q. How many people follow DPS on Twitter?</p> <p>13 A. Approximately 30,000 accounts.</p> <p>14 Q. Would why would an individual follow DPS on</p> <p>15 Twitter?</p> <p>16 MR. KEISTER: Objection, calls for</p> <p>17 speculation.</p> <p>18 But to the extent, you can answer.</p> <p>19 Q. (By Mr. Freeman) To the extent of your</p> <p>20 knowledge.</p> <p>21 A. To gather more information about the department</p> <p>22 and our activities.</p> <p>23 Q. Do you have any knowledge of any individual who</p> <p>24 has not had yet been issued ID following DPS on Twitter?</p> <p>25 A. I don't have any knowledge about that</p>
<p style="text-align: right;">Page 90</p> <p>1 MR. KEISTER: Once again, object, it would</p> <p>2 call for speculation. There's been no identified group</p> <p>3 that would need to be targeted. There's been no</p> <p>4 testimony so there's no foundation for that assumption.</p> <p>5 But to the extent you understand the</p> <p>6 question, you can answer it.</p> <p>7 A. Again, we distributed our press releases</p> <p>8 statewide to the thousands of media outlets that we had</p> <p>9 in our distribution lists so that we could reach as many</p> <p>10 people as possible. And there was no -- the media and</p> <p>11 communications office had no knowledge of any particular</p> <p>12 group that -- that would specifically need to be</p> <p>13 targeted. And, you know, this isn't uncommon of the</p> <p>14 types of press releases where there's a service the</p> <p>15 department is providing and we want to make sure that</p> <p>16 anyone knows about that service so we send it statewide</p> <p>17 to all of our contacts.</p> <p>18 Q. (By Mr. Freeman) Okay. Tweets and Facebook</p> <p>19 posts are only going to reach individuals who have</p> <p>20 access to computers, correct?</p> <p>21 A. The actual tweets -- I would venture to say the</p> <p>22 message in those tweets will be further reaching than</p> <p>23 the actual followers on our accounts.</p> <p>24 Q. My question was whether Tweets and Facebook</p> <p>25 posts would be visible directly to individuals -- only</p>	<p style="text-align: right;">Page 92</p> <p>1 information.</p> <p>2 Q. How many people "like" DPS on Facebook?</p> <p>3 MR. KEISTER: Objection, form, calls for</p> <p>4 speculation.</p> <p>5 Q. (By Mr. Freeman) To the extent of your</p> <p>6 knowledge, how many "likes" does DPS have on Facebook?</p> <p>7 MR. KEISTER: Objection, form, calls for</p> <p>8 speculation.</p> <p>9 Q. (By Mr. Freeman) To the -- your knowledge,</p> <p>10 let's -- sorry, let me start over.</p> <p>11 Does DPS have a Facebook page?</p> <p>12 A. Yes.</p> <p>13 Q. When you post items on your Facebook page,</p> <p>14 that's seen by individuals who "like" DPS on Facebook,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. How many individuals have "liked" DPS on</p> <p>18 Facebook?</p> <p>19 A. I believe it's more than 7,000. And just so</p> <p>20 that we're saying the same thing, as far as the "likes,"</p> <p>21 that's the individuals -- it would be comparable to the</p> <p>22 followers on Twitter?</p> <p>23 Q. Yes.</p> <p>24 A. Yes. I believe it's more than 7,000.</p> <p>25 Q. Do you have any knowledge of any individual who</p>

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<p style="text-align: right;">Page 93</p> <p>1 does not even have a DPS-issued ID "liking" DPS on 2 Facebook? 3 MR. KEISTER: Objection, form, that's 4 vague and ambiguous and calls for speculation. 5 A. I don't have any information about that. 6 Q. (By Mr. Freeman) Other than Tweets and Facebook 7 posts, were there -- and the releases we discussed, were 8 there any other efforts by DPS to publicize the 9 locations and schedules for DPS mobile units in counties 10 that also have permanent DPS offices, prior to the 11 November 2013 election? 12 A. I believe we responded to some media inquiries, 13 and it's also possible that we did some interviews about 14 those locations. 15 Q. Anything else? 16 A. Ensuring that there was the accessibility on 17 the website to access that information. 18 Q. Anything else? 19 A. I believe that covers it, to my knowledge. 20 Q. Am I correct that you only relied on earned 21 media to promote these temporary locations in counties 22 that have also driver's license offices, correct? 23 A. That's correct. 24 Q. And you had no budget to inform voters that 25 EICs would be available from these temporary locations</p>	<p style="text-align: right;">Page 95</p> <p>1 offices or are they all the mobile locations? 2 A. That, I don't know. It's -- that, I'm not 3 sure. This is not housed on the DPS website, so I'm not 4 actually familiar with the make up of it. 5 Q. Did you have any role in preparing this 6 document? 7 A. I don't recall. 8 Q. And do you know how far in advance of the dates 9 that a mobile station would be out in the field that the 10 location and time of that mobile location would be 11 posted on this website? 12 MR. KEISTER: Objection, form, that's 13 vague and confusing. And to the extent that this is a 14 Secretary of State document as opposed to a DPS 15 document, I'm going to object as it's beyond the scope 16 of the issues for which this witness is designated, and 17 would call for speculation for this witness. 18 But you may answer to the extent you can. 19 Q. (By Mr. Freeman) You may answer. 20 A. I'm sorry, could you repeat the question, 21 please? 22 Q. My pleasure. How far in advance of the date 23 that a mobile station would be in the field would this 24 page be updated to let people know the date and time 25 that the EIC mobile station would be out in the field?</p>
<p style="text-align: right;">Page 94</p> <p>1 in counties that also have driver's license offices? 2 A. That's correct, we don't have a budget for 3 promoting any of our -- any of our media efforts. 4 MR. FREEMAN: Okay. Lindsay, would you 5 mind putting the 2013 document in front of 6 Ms. Cesinger. 7 MS. COHAN: Sure. 8 MR. FREEMAN: If we could have this 9 marked. 10 (Exhibit 132 marked for identification.) 11 (Handed to witness and counsel.) 12 A. Okay. 13 Q. (By Mr. Freeman) Ms. Cesinger, have you seen 14 this document before? 15 MR. KEISTER: Can we identify this for the 16 record? I don't think anybody said a number. 17 MR. BRAZIL: 132. 18 Q. (By Mr. Freeman) Ms. Cesinger, have you seen 19 the Exhibit 132 before? 20 A. I believe so, yes. 21 Q. What is this document? 22 A. It appears to be the Schedule of Mobile 23 Locations. 24 Q. And are these only mobile locations that are in 25 counties that already have permanent driver's license</p>	<p style="text-align: right;">Page 96</p> <p>1 MR. KEISTER: Same objections. 2 A. I don't have knowledge of that specifically. 3 Q. (By Mr. Freeman) And do you know if a version 4 of this document is available in Spanish? 5 A. I don't have knowledge of that. 6 Q. Okay. If we can bounce back to Exhibit 7 124. Are you ready? 8 A. Yes. 9 Q. On February 3, 2014, you issued a statewide 10 press release indicating that the DPS mobile stations 11 would issue EICs across Texas again; is that correct? 12 A. That's correct. 13 Q. And did this press release address DPS mobile 14 stations in counties that do have driver's license 15 offices? 16 A. There was a link -- there was a link in that 17 press release to the Secretary of State's website and I 18 -- is that what you're talking about, the Secretary of 19 State mobile stations? 20 Q. I'm talking about the mobile stations that were 21 going to be functioning in counties that also have 22 driver's license offices. I'm -- it doesn't really 23 matter to me who was running the particular station, 24 either -- whether it's DPS or SOS run. 25 A. It matters for purposes of this question I</p>



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<p style="text-align: right;">Page 97</p> <p>1 think because DPS was not deploying DPS run mobile 2 station locations to my knowledge in counties that 3 already had a driver license office. 4 Q. So those were only being deployed by the office 5 of Secretary of State? 6 A. To my knowledge. 7 Q. Okay. To your knowledge as of February 3, 8 2014, had the temporary location and hours been 9 established when these locations would be -- when these 10 temporary driver's license -- excuse me, temporary ID 11 stations would be open -- sorry. Let me just start 12 over. 13 A. Okay. 14 Q. As of February 3, 2013, do you know if the -- 15 A. February -- 16 Q. -- if the locations and hours of the mobile 17 units had been established for the period from February 18 3, 2014, through the March 14th statewide primary? 19 A. Had the locations and schedules for which 20 mobile stations? 21 Q. For all categories of mobile stations. 22 A. I can't speak to the Secretary of State mobile 23 locations, but with respect to the DPS mobile locations, 24 there was a link to the -- to a document in that press 25 release that went to a page that essentially told folks</p>	<p style="text-align: right;">Page 99</p> <p>1 they address the SOS mobile units as well? 2 A. I don't recall. Let me look at the timeline 3 again, please. 4 Q. Sure. 5 A. So those localized press releases as I recall 6 address -- that were from DPS, addressed the DPS run 7 mobile stations and locations. 8 Q. Okay. So they did not address the SOS run 9 mobile stations regarding mobile stations in counties 10 that do have a driver's license office? 11 A. The ones run by the Secretary of State's office 12 in any location around the state, again, and that's 13 determined by the Secretary of State's office, you'll 14 see in that timeline, 10-25-13 through 11-05-13, what we 15 did do was essentially echo as a courtesy their press 16 releases. What we had offered to them was when they put 17 their press releases out, if they -- if we happened to 18 get a copy of it, that we would also send that out as a 19 more of an "In case you missed it," just as an extra way 20 the get that message out. But that's -- that's really 21 the only extent that we did that with them. 22 Q. Did you do the same "In case you missed it" 23 press releases for local SOS mobile units in 2014 at any 24 time? 25 A. It's possible that we did. I know that that's</p>
<p style="text-align: right;">Page 98</p> <p>1 if there was -- if there was a schedule for those 2 locations, it was on that document. 3 Q. Okay. Just a few more questions. 4 A. Okay. 5 Q. On February 18th, you issued another statewide 6 press release indicating that DPS mobile stations would 7 issue EICs, correct? 8 A. That's correct. 9 Q. Did this press release address the SOS mobile 10 station that would function in counties that do have 11 permanent driver's license offices? 12 A. Just a moment. If I may turn to that press 13 release? 14 Q. Sure. 15 MR. KEISTER: What date was that, Dan? 16 MR. FREEMAN: That was February 18, 2014. 17 MR. KEISTER: Okay. 18 A. I see that press release and there is a 19 hyperlink to the VoteTexas.gov website. 20 Q. (By Mr. Freeman) So this distinction between 21 the SOS and the DPS mobile stations made me think of 22 something that makes me need to jump back, and I 23 apologize for that: But with regard to the localized 24 press releases between October 25, 2013, and November 5, 25 2013, did those only address the DPS mobile units or did</p>	<p style="text-align: right;">Page 100</p> <p>1 -- that offer was still extended. And I just don't 2 recall specifically. 3 Q. Okay. And none of the other communications on 4 Exhibit 124 relate to those SOS mobile locations; is 5 that correct? 6 A. I'm sorry, none of the other what relate to it? 7 Q. None of the other communications on Exhibit 124 8 relate to those SOS run mobile locations in counties 9 that do have driver's license offices, correct? 10 A. Well, in the statewide press releases, we do 11 have a link to the VoteTexas.gov, which is run by the 12 Secretary of State's office, so in those cases there was 13 a reference to that. 14 Q. Okay. So outside of statewide press releases 15 and the echoing press releases in the fall of 2013, 16 nothing else relates to those SOS run mobile locations; 17 is that correct? 18 A. There may have also been some Tweets and 19 Facebook messages where we pointed to the VoteTexas.gov 20 site. 21 Q. But you have no specific knowledge of any 22 particular Tweets or Facebook messages that did that on 23 any of these particular listed dates on Exhibit 124? 24 A. I -- I believe there was a Facebook message on 25 October 29, 2013, where we posted a link to</p>

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<p style="text-align: right;">Page 101</p> <p>1 VoteTexas.gov mentioning DPS -- let's see, DPS postal</p> <p>2 link, the mobile stations are available in a certain</p> <p>3 number of counties, it looks like four counties are</p> <p>4 listed here. And that's just one that I turned to.</p> <p>5 Q. Okay.</p> <p>6 A. So there may be -- there may be others.</p> <p>7 Q. Okay. That's all that I have.</p> <p>8 I pass the witness.</p> <p>9 EXAMINATION</p> <p>10 BY MR. BRAZIL:</p> <p>11 Q. Good afternoon.</p> <p>12 A. Good afternoon.</p> <p>13 Q. I know it's late. I'm going to try to put my</p> <p>14 questions in categories and boxes for you so we can wrap</p> <p>15 this up.</p> <p>16 As I understand from your testimony, you</p> <p>17 have talked about this, you've termed it "outreach</p> <p>18 program" or "outreach campaign"?</p> <p>19 A. "Effort," yes, sir.</p> <p>20 Q. And as I understand it, DPS, their</p> <p>21 communications office, your office, people under you, it</p> <p>22 was limited to the press releases and the website; is</p> <p>23 that correct?</p> <p>24 A. And social media.</p> <p>25 Q. Okay. And social media. Other than those four</p>	<p style="text-align: right;">Page 103</p> <p>1 A. I'm sorry.</p> <p>2 Q. -- if you had an officer in the Valley, he</p> <p>3 might go to the newspapers there and give an interview?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And just do that on his own because he</p> <p>6 was a PR officer?</p> <p>7 A. Yes.</p> <p>8 Q. And would there be a record kept of that? I</p> <p>9 mean, what type of recordkeeping was there that we would</p> <p>10 see about giving interviews, about responding to</p> <p>11 inquiries?</p> <p>12 A. I don't know that there would be a record</p> <p>13 similar to how we conduct business out of the media and</p> <p>14 communications office. Typically, we'll get inquiries</p> <p>15 on any number of issues either that we've promoted or</p> <p>16 that the press is just interested in and we'll conduct</p> <p>17 those interviews that way. For something like this,</p> <p>18 we'll send out a press release and lot of times we'll</p> <p>19 get phone calls from reporters back to the office, and</p> <p>20 that similar dynamic happens out in the field as well.</p> <p>21 When something goes out, they'll call in -- reporters</p> <p>22 will call that point of contact with the department and</p> <p>23 request either something on the record, for instance, if</p> <p>24 it's radio or television, or -- you know, they could</p> <p>25 just ask additional information about one of those</p>
<p style="text-align: right;">Page 102</p> <p>1 areas, did DPS or the communications office do any</p> <p>2 outreach or educational programs in any other form that</p> <p>3 we haven't spoken of?</p> <p>4 A. To the -- we do have a number of spokespeople</p> <p>5 in the field, they're safety education troopers and</p> <p>6 there's about 35 of them, and so essentially they would</p> <p>7 take, you know, the message of the press release and</p> <p>8 either pass that on to their local media, which is how</p> <p>9 these were -- these localized press releases were</p> <p>10 relayed or they would conduct interviews in their areas,</p> <p>11 or, you know, respond to basic questions about EICs with</p> <p>12 the information that's in those news releases?</p> <p>13 Q. When you said they would conduct interviews,</p> <p>14 are you talking about with the press?</p> <p>15 A. Yes, yeah.</p> <p>16 Q. Would they conduct town hall meetings or go to</p> <p>17 churches or go to schools or any community centers to</p> <p>18 talk about the new photo ID bill or EICs, anything of</p> <p>19 that sort?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. And so when you say they would give interviews,</p> <p>22 would that be something they would seek out or just</p> <p>23 respond to?</p> <p>24 A. Both.</p> <p>25 Q. Okay. So --</p>	<p style="text-align: right;">Page 104</p> <p>1 topics.</p> <p>2 Q. But does your office or does DPS keep a record</p> <p>3 of those inquiries?</p> <p>4 A. No.</p> <p>5 Q. Okay. So if you got a call from the Lubbock</p> <p>6 Free Press or the Dallas Morning News or anything like</p> <p>7 that, there would not be a record kept by someone that</p> <p>8 said, "We got this inquiry, we responded in this manner,</p> <p>9 we're going to follow up or we're going to do this"?</p> <p>10 A. Let me clarify that --</p> <p>11 Q. Okay.</p> <p>12 A. -- I'm sorry. We do at headquarters have</p> <p>13 information about that but as far as the folks in the</p> <p>14 field, we don't keep a record of the interviews that</p> <p>15 they conduct out in the field.</p> <p>16 Q. Okay. If one of the PR officers responded to</p> <p>17 something, there would not be a record maintained?</p> <p>18 A. No, not to my knowledge.</p> <p>19 Q. But if someone called your offices or the</p> <p>20 communications office, there would be a record?</p> <p>21 A. We do collect that information.</p> <p>22 Q. Okay. And how is that maintained, what would</p> <p>23 we see? If you showed me those records, what would I be</p> <p>24 looking at?</p> <p>25 A. We have a -- essentially it's like a</p>

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<p style="text-align: right;">Page 105</p> <p>1 spreadsheet that -- that has information about inquiries</p> <p>2 and, you know, who it is that made that inquiry.</p> <p>3 Q. And do you know if that has been produced in</p> <p>4 the discovery in that case? Do you know one way or the</p> <p>5 other?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Okay. And do you know how large or how</p> <p>8 voluminous this record would be if I located it? I</p> <p>9 mean, are we talking about an Excel spreadsheet of ten</p> <p>10 pages or a thousand pages or?</p> <p>11 A. It's a living document so it's every day added</p> <p>12 on to it.</p> <p>13 Q. Okay. In what type of format, an Excel</p> <p>14 spreadsheet or just e-mails or?</p> <p>15 A. I'm not exactly sure if it's Excel or what the</p> <p>16 program is that it's in, but it's a type of document</p> <p>17 similar to an Excel.</p> <p>18 Q. And are there categories, for example, 12</p> <p>19 inquires that -- from people that do not really need an</p> <p>20 EIC or 12 inquiries from the media, how is it -- how is</p> <p>21 it categorized?</p> <p>22 A. By members of the media who called and, you</p> <p>23 know, what their contact information is and if there's a</p> <p>24 generic request that they're seeking.</p> <p>25 Q. And the response by your office, I assume?</p>	<p style="text-align: right;">Page 107</p> <p>1 A. Okay.</p> <p>2 Q. If someone at the Secretary of State's office</p> <p>3 and/or at DPS say, "We're going to handle the EICs, you</p> <p>4 handle the rest of the Senate Bill 14," was there any</p> <p>5 coordination in that regard?</p> <p>6 A. Not -- from my knowledge not in that</p> <p>7 form. Essentially what DPS was responsible for was</p> <p>8 issuing this card, issuing this election identification</p> <p>9 certificate. So from that aspect, that's what we</p> <p>10 educated the public through the media about.</p> <p>11 Q. And was that because of a coordinated effort</p> <p>12 between DPS and the Secretary of State or just because</p> <p>13 you were issuing a card, if you know?</p> <p>14 A. We were aware that the Secretary of State's</p> <p>15 office would be doing an outreach effort on -- I was</p> <p>16 aware that they were going to be doing outreach effort</p> <p>17 on the voting -- the new voting requirements, the photo</p> <p>18 ID aspect of it. And again, because the part that</p> <p>19 pertained to DPS was issuing these cards, that's what we</p> <p>20 focused our outreach effort on.</p> <p>21 Q. Was there a coordinate effort on the press</p> <p>22 releases? For example, was there ever a coordination</p> <p>23 between the Secretary of State's office and DPS on</p> <p>24 issuing press releases?</p> <p>25 A. From our perspective, as a courtesy to any</p>
<p style="text-align: right;">Page 106</p> <p>1 A. Sometimes, yeah. Sometimes if it's generic</p> <p>2 enough, that if they called about the hurricane press</p> <p>3 release, we won't have information -- detailed</p> <p>4 information in there.</p> <p>5 Q. Is -- do you have a separate -- you said this</p> <p>6 is a living document. Is it for all inquiries or just</p> <p>7 for EIC?</p> <p>8 A. All inquiries into the office.</p> <p>9 Q. So we would have to mine through that to</p> <p>10 determine what inquiries were for the EIC or photo ID?</p> <p>11 A. Sure.</p> <p>12 Q. Okay. Who determined what the DPS or what the</p> <p>13 communications office would do with regard to this</p> <p>14 outreach campaign versus what the Secretary of State's</p> <p>15 office would do?</p> <p>16 A. Well, again, since -- we were aware that the</p> <p>17 Secretary of State's office had a paid media effort</p> <p>18 related to EIC -- well, I guess related to voting and</p> <p>19 the new voting requirements. And as I mentioned before,</p> <p>20 we don't have a budget for any type of paid media so we</p> <p>21 knew that we would be utilizing our earned media</p> <p>22 strategies that we typically employ for any type of</p> <p>23 outreach effort.</p> <p>24 Q. Okay. I think I understood your answer but let</p> <p>25 me make my question more simple.</p>	<p style="text-align: right;">Page 108</p> <p>1 entity that we cite in our press release, whether it's</p> <p>2 another organization or agency, we always send them a</p> <p>3 copy of it before we send it out. So to that degree,</p> <p>4 yes.</p> <p>5 Q. And would you keep records of what input the</p> <p>6 Secretary of State had into the press releases that came</p> <p>7 from the DPS?</p> <p>8 A. If there was any and that would just be through</p> <p>9 an e-mail, a response, "Good to go," or something.</p> <p>10 Q. "Change this" or "This number's wrong," or</p> <p>11 something --</p> <p>12 A. Yes, sir.</p> <p>13 Q. -- of that sort? Okay.</p> <p>14 Was there a contact person at the</p> <p>15 Secretary of State's office that would receive these</p> <p>16 press releases?</p> <p>17 A. Yes. Alicia --</p> <p>18 Q. And who was that?</p> <p>19 A. Alicia Pierce. She's the communications</p> <p>20 director.</p> <p>21 Q. Was she the contact person from the summer of</p> <p>22 last year until now?</p> <p>23 A. I believe that's right, yes.</p> <p>24 Q. Okay. Now it's my understanding -- have we</p> <p>25 covered all of the media outlets that DPS used in this</p>

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<p style="text-align: right;">Page 109</p> <p>1 outreach campaign?</p> <p>2 A. I believe so, yes.</p> <p>3 Q. So I take it from your previous testimony there</p> <p>4 was no paid advertising for the EICs or that aspect of</p> <p>5 the campaign that DPS handles; is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And that's because there was no budget,</p> <p>8 right?</p> <p>9 A. Correct.</p> <p>10 Q. Was there ever a promise or ever any indication</p> <p>11 that there would be extra funds given to or provided to</p> <p>12 the DPS for the EICs or any aspect of the photo ID bill?</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. Has DPS requested extra funding from either the</p> <p>15 Governor's Office, Secretary of State, Legislature for</p> <p>16 what is done in this regard?</p> <p>17 MR. KEISTER: Let me just interject, and</p> <p>18 this is beyond the scope of the issues she's designated</p> <p>19 for.</p> <p>20 But to the extent you know that.</p> <p>21 Q. (By Mr. Brazil) Do you know?</p> <p>22 A. Related to the media outreach effort, not to my</p> <p>23 knowledge.</p> <p>24 Q. Was there ever an outreach to someone, some</p> <p>25 famous Texan, so to speak, to help with the campaign to</p>	<p style="text-align: right;">Page 111</p> <p>1 Q. -- if I understand your previous testimony,</p> <p>2 there was nothing like a focus group or post studies or</p> <p>3 any market research by the DPS to determine how</p> <p>4 effective or how ineffective their outreach campaign</p> <p>5 was; is that correct?</p> <p>6 A. Right. We don't do research or analytics for</p> <p>7 any of our outreach efforts, but we do have, you know,</p> <p>8 methods and different ways of determining the</p> <p>9 effectiveness. As I mentioned, you know, as we push out</p> <p>10 messages, we do monitor, you know, what's being picked</p> <p>11 up in the media, the different types of coverage that</p> <p>12 we're seeing out there.</p> <p>13 Q. What about a complaint file or a gripe file,</p> <p>14 does -- if you get complaints from somebody, whether it</p> <p>15 be somebody in the media, you know, a member of the</p> <p>16 public, public official that has a complaint, do you</p> <p>17 keep those in a separate file?</p> <p>18 A. We only correspond with members of the media in</p> <p>19 our course of business. You know, once in a while we'll</p> <p>20 get a wrong number and we'll refer that on. But as far</p> <p>21 as complaints, you know, we get inquiries, I guess is</p> <p>22 how I would characterize them, from the media.</p> <p>23 Q. Does all that, in this live file, is all of</p> <p>24 that in the live file? Do you -- or this live --</p> <p>25 A. Well, I don't -- I guess I don't understand</p>
<p style="text-align: right;">Page 110</p> <p>1 volunteer their time like we see ads on TV by people</p> <p>2 from Texas helping -- you know, don't litter the</p> <p>3 highways, for example. They volunteer their name and</p> <p>4 their face. Was there ever that requests by DPS to get</p> <p>5 someone to do that?</p> <p>6 A. With respect to EICs and the media outreach,</p> <p>7 not to my knowledge.</p> <p>8 Q. Okay. You said earlier that you had reviewed</p> <p>9 something from Mr. Peters' deposition?</p> <p>10 A. Yes.</p> <p>11 Q. What exactly was that, that you reviewed?</p> <p>12 A. The documents of his deposition.</p> <p>13 Q. I'm sorry? The exhibits attached to his</p> <p>14 deposition?</p> <p>15 A. I'm not sure.</p> <p>16 Q. Okay. Did you read his deposition?</p> <p>17 A. I just reviewed it briefly.</p> <p>18 Q. Okay. And the documents, were they attached to</p> <p>19 his deposition?</p> <p>20 A. I didn't see any attached documents.</p> <p>21 Q. Okay. So you just read his deposition, you</p> <p>22 didn't read any documents that were attached to it?</p> <p>23 A. Right.</p> <p>24 Q. Okay. All right. Also --</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 112</p> <p>1 the --</p> <p>2 Q. Sure.</p> <p>3 A. -- the characterization of complaints.</p> <p>4 Q. Okay. A member of the Legislature calls and</p> <p>5 says, "Nobody is sending press releases to X county, why</p> <p>6 not?" What would happen with that?</p> <p>7 A. We didn't receive anything like that, and</p> <p>8 typically when the -- when lawmakers will contact the</p> <p>9 department, they'll go through the government relations</p> <p>10 office, so we don't typically have visibility on that.</p> <p>11 Q. Would there be a record maintained by your</p> <p>12 office of someone who made contact in that regard?</p> <p>13 A. If they're not contacting our office, then no,</p> <p>14 we wouldn't have a record of that.</p> <p>15 Q. So even if it went through another office and</p> <p>16 it ended up to the communications office, there would or</p> <p>17 would not be a record?</p> <p>18 A. If a lawmaker called the department that</p> <p>19 typically -- I mean, I don't know any time where that</p> <p>20 individual would be referred to the media office because</p> <p>21 we only deal with the media. Typically -- and it -- for</p> <p>22 practical purposes, there are different divisions within</p> <p>23 the department so that when somebody calls, if it's a</p> <p>24 lawmaker, that will go to the government relations</p> <p>25 office. If it's a customer wanting to ask questions</p>



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<p style="text-align: right;">Page 113</p> <p>1 about, you know, a particular issue, it will go to</p> <p>2 whoever that subject matter expert is. If it's a member</p> <p>3 of the media, they come to our office. That -- that's</p> <p>4 our customers then.</p> <p>5 Q. Okay. So that's my next question.</p> <p>6 A. Okay.</p> <p>7 Q. Your office just deals with the media?</p> <p>8 A. Essentially, yes.</p> <p>9 Q. And if there's a reporter out there who has an</p> <p>10 inquiry, they go to your office --</p> <p>11 A. Yes, sir.</p> <p>12 Q. -- and you respond?</p> <p>13 A. Yes, sir.</p> <p>14 Q. If I'm a member of the public and I have a</p> <p>15 complaint at the DPS office in Dallas, who would I</p> <p>16 contact? Would it come to your office?</p> <p>17 A. It would not come to my office if you're a</p> <p>18 member of the public.</p> <p>19 Q. Okay. If I was a member of the public and I</p> <p>20 had a complaint about something that happened at the</p> <p>21 Dallas DPS office with my EIC and I contacted the Dallas</p> <p>22 Morning News and they contacted you, then what would</p> <p>23 happen?</p> <p>24 A. Then we would answer any questions that the</p> <p>25 Dallas Morning News might have, and we would also -- and</p>	<p style="text-align: right;">Page 115</p> <p>1 within the department to relay the individual's</p> <p>2 information.</p> <p>3 Q. Okay. So if I'm a reporter for the Dallas</p> <p>4 Morning News and I contact you over the telephone and</p> <p>5 say, "This lady contacted me, she went down there,</p> <p>6 couldn't get her EIC, had all her documents, you know,</p> <p>7 and had some questions," there may not be a record of</p> <p>8 that?</p> <p>9 A. There may not be a back and forth directly but</p> <p>10 there may -- there may also be a record in the living</p> <p>11 document we discussed earlier. If there's some sort of</p> <p>12 a -- you know, Joe Blow from Dallas Morning News called</p> <p>13 to notify the department of an individual who had a</p> <p>14 complaint about a driver license or an EIC issue or</p> <p>15 whatever that issue might be --</p> <p>16 Q. Okay. So someone --</p> <p>17 A. -- we may have it in that capacity.</p> <p>18 Q. Because someone would enter that information</p> <p>19 into that document?</p> <p>20 A. Right.</p> <p>21 Q. Okay.</p> <p>22 A. So that's possible.</p> <p>23 Q. All right. So there's not a set formula, I</p> <p>24 assume, for my questions about when it would -- when a</p> <p>25 complaint or when a concern or when something was</p>
<p style="text-align: right;">Page 114</p> <p>1 just depending on what the issue might be, whether they</p> <p>2 have a complaint about anything that the department</p> <p>3 provides a service on, we would do our best to answer</p> <p>4 the question of the reporter. But then just as a matter</p> <p>5 of protocol, and we've got an obligation to serve</p> <p>6 whoever it is that they're representing through calling</p> <p>7 us, we make our best effort to connect that individual</p> <p>8 with whoever that subject matter expert or division</p> <p>9 might be within the department.</p> <p>10 Q. Okay. So if someone had -- if a member of the</p> <p>11 public had a complaint to the Dallas Morning News and</p> <p>12 they contacted your office, you would answer the</p> <p>13 reporter's questions and also put that member of the</p> <p>14 public in touch with someone who could handle that</p> <p>15 problem.</p> <p>16 A. Yes, sir. Typically that's how we handle those</p> <p>17 types of issues.</p> <p>18 Q. Okay. And would a record be maintained by your</p> <p>19 office of that transaction or that discussion?</p> <p>20 A. If it was in an e-mail. If the reporter</p> <p>21 contacted us in an e-mail and we were able to go back</p> <p>22 and forth and get their information, then it would be</p> <p>23 something that we would have. Otherwise, if it was all</p> <p>24 over the phone, we might not have a record of that</p> <p>25 unless, of course, we e-mailed the subject matter expert</p>	<p style="text-align: right;">Page 116</p> <p>1 addressed would end up in that document and when it</p> <p>2 would not?</p> <p>3 A. If it came through the media, correct.</p> <p>4 Q. Okay. It has to come through the media?</p> <p>5 A. It -- well, anything that comes to our</p> <p>6 department is typically coming from the media. So --</p> <p>7 but the reason I qualify that is, if there's a complaint</p> <p>8 made by an individual directly to the department in some</p> <p>9 other form, there may be records of that, but if it's</p> <p>10 coming through the media office and member of the media</p> <p>11 is representing a complaint of some member of the</p> <p>12 public, then that's when it would come through our</p> <p>13 office and it could be documented in a couple of</p> <p>14 different ways, either as I mentioned, through e-mail</p> <p>15 correspondence between us and the reporter or us and the</p> <p>16 subject matter expert or entered into the living</p> <p>17 document.</p> <p>18 Q. This living document, do you have a name for it</p> <p>19 other than "living document"?</p> <p>20 A. No, and I don't think I've ever called it</p> <p>21 anything besides that.</p> <p>22 Q. Okay. So, all right. Who is your immediate</p> <p>23 superior or boss?</p> <p>24 A. Robert Bodisch, deputy director of Homeland</p> <p>25 Security.</p>

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<p style="text-align: right;">Page 117</p> <p>1 Q. I assume no outside media, consultant, 2 advertising agency, et cetera, was utilized by DPS in 3 this outreach campaign; is that correct? 4 A. That's correct. 5 Q. Okay. Do you maintain a record of the number 6 of hits on the website? 7 A. The media and communications office does not -- 8 Q. Does anybody -- 9 A. -- have participation in that. 10 Q. -- at DPS? 11 A. I don't -- I'm not sure. 12 Q. Okay. So you're not sure whether or not 13 someone clicks on EIC, whether or not that's recorded? 14 A. I don't know. 15 Q. The plan or the strategy of this outreach 16 campaign, was that ever put into a written form? Did 17 anybody in the DPS or communications office come up with 18 a written plan or media plan or communications plan? 19 A. This is the -- the extent of that -- of that 20 outreach effort -- and again, you know, we do a number 21 of outreach efforts that may have recurring 22 messages. As I mentioned before, the hurricane ones, 23 we'll see that gearing up here pretty soon and there 24 will be a lot of recurring messages. So, you know, we 25 have a process for pushing those out and, you know, we</p>	<p style="text-align: right;">Page 119</p> <p>1 participate in designing any of the signage or the print 2 media that may exist in the driver's license offices? 3 A. I don't recall. As I mentioned before, it's 4 possible that we may have seen it at some point in the 5 process but I don't recall being a part of that. 6 Q. Okay. Is it outside your area of knowledge to 7 tell me what type of print media there is in a driver's 8 license office? 9 A. Yes. 10 Q. Okay. What about the lines in the driver's 11 license office. Do you know whether or not one is 12 designated EICs versus driver's license versus CHL or 13 whatever? 14 A. I don't, sorry. 15 Q. What about toll free numbers or anything like 16 that, do you know whether they're designated for EICs or 17 it's just across the board? 18 A. That's not in our area of expertise either, I 19 apologize. 20 Q. Did you ever develop any recordings for the DPS 21 or any of the offices if somebody wanted to get 22 after-hours information? Did you ever help develop any 23 of the information for EICs that someone might listen to 24 over the telephone? 25 A. We didn't generate it but it's possible that we</p>
<p style="text-align: right;">Page 118</p> <p>1 typically -- we don't need to develop a written document 2 in order to implement that, that effort. 3 Q. So in other words, no? Was that your long -- 4 A. Correct. No. 5 Q. Okay. No. All right. What about when 6 someone, some person or group sends a Freedom of 7 Information Request to your office, is a record made of 8 that? 9 A. That goes to that -- we don't handle those 10 requests. That goes to the Office of General Counsel. 11 Q. But eventually it gets to you if it has a 12 request for documents that generate -- that are 13 generated by the communications office? 14 A. Sure. Sure. 15 Q. Would a written record be made of that request 16 on this living document or anywhere? 17 A. No, that living document is specific to media 18 inquiries. 19 Q. Okay. 20 A. And I'm just thinking to your other question. 21 I think, internally, we refer to that as a "call log." 22 I'm calling it a living document. 23 Q. Okay. A call log, okay, that will help me find 24 it. 25 Do -- are you aware of or did your office</p>	<p style="text-align: right;">Page 120</p> <p>1 reviewed that. I just don't recall specifically. 2 Q. Do any -- did your office do any studies on the 3 wait time or the hold time for somebody trying to get 4 information on EICs? 5 A. That's outside of the purview of the media and 6 communications office, so no. 7 Q. Okay. Let me take about -- I want to take a 8 quick break. Let me get you to identify these documents 9 and I will attach these to your deposition. 10 We did not attach these, did we? 11 MR. KEISTER: I think the -- only 124 I 12 think has been. I think there's four documents total. 13 MR. BRAZIL: What number are we on? 14 MS. COHAN: 133 is next? Yes. 15 MR. BRAZIL: 133. 16 (Exhibit 133 marked for identification.) 17 (Handed to witness and counsel.) 18 A. Thank you. 19 Q. (By Mr. Brazil) Would you identify 133 for the 20 record. 21 A. Yes. These are EIC messages posted to the DPS 22 Facebook account between September 13, 2013, and May 16, 23 2014. 24 Q. That's a document you brought with you this 25 morning?</p>

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<p style="text-align: right;">Page 121</p> <p>1 A. Yes, sir.</p> <p>2 (Exhibits 134 and 135 marked for</p> <p>3 identification.)</p> <p>4 (Handed to witness and counsel.)</p> <p>5 Q. (By Mr. Brazil) Okay. Would you also identify</p> <p>6 134.</p> <p>7 A. Yes, sir. These are the Twitter messages</p> <p>8 issued by the Texas DPS Twitter account between June 25,</p> <p>9 2013, and May 16, 2014.</p> <p>10 Q. And 135 as well?</p> <p>11 A. These are the statewide press releases issued</p> <p>12 regarding the EICs.</p> <p>13 Q. Do you maintain any file that we haven't talked</p> <p>14 about that would have press information about -- about</p> <p>15 an inquiry from a reporter or a press story or media</p> <p>16 story about someone who had a problem at a DPS office</p> <p>17 with an EIC or a mobile unit, anything of that sort?</p> <p>18 A. No. An individual who had an issue at an</p> <p>19 EIC --</p> <p>20 Q. That made it into the press. There have been</p> <p>21 some stories as you're aware of, I think we talked about</p> <p>22 one earlier --</p> <p>23 A. Right.</p> <p>24 Q. -- where someone had a problem and it made --</p> <p>25 it made the media, some form in the media. Do you</p>	<p style="text-align: right;">Page 123</p> <p>1 A. Yes, sir.</p> <p>2 MR. BRAZIL: Okay. Pass the witness.</p> <p>3 MR. KEISTER: Anyone else?</p> <p>4 MR. DOGGETT: No.</p> <p>5 MR. KEISTER: Anyone on the telephone?</p> <p>6 MR. FREEMAN: I have one quick cleanup</p> <p>7 question if that's all right.</p> <p>8 MR. KEISTER: Sure.</p> <p>9 FURTHER EXAMINATION</p> <p>10 BY MR. FREEMAN:</p> <p>11 Q. Sorry about that. This is Dan Freeman again</p> <p>12 and I'll be keeping you for just another two minutes or</p> <p>13 so, Ms. Cesinger.</p> <p>14 I just wanted to know where there were DPS</p> <p>15 mobile units that were run by counties in coordination</p> <p>16 with the DPS, was DPS in charge of the publicity for</p> <p>17 those?</p> <p>18 A. I don't know that I would say "in charge." We</p> <p>19 did publish the contact information for the counties in</p> <p>20 which the counties -- essentially there was someone in</p> <p>21 the county running those locations.</p> <p>22 Q. So the press releases that you put out</p> <p>23 regarding temporary locations run by DPS, would those</p> <p>24 types of location have been included in those press</p> <p>25 releases?</p>
<p style="text-align: right;">Page 122</p> <p>1 maintain some type of file in that regard?</p> <p>2 A. No. And I only recall receiving those types of</p> <p>3 inquiries on a couple of occasions, so there wouldn't be</p> <p>4 any need for that. But that -- that type of information</p> <p>5 could be captured in the call log.</p> <p>6 Q. Okay. So the only files maintained by your</p> <p>7 office that has anything to do with EICs, whether it's a</p> <p>8 complaint, a media inquiry, a response by your office,</p> <p>9 it's going be in this call log/living document?</p> <p>10 A. Right, which is not EIC specific but it would</p> <p>11 be captured, yes, sir.</p> <p>12 Q. Okay. And do you know how long this has been</p> <p>13 maintained?</p> <p>14 A. A while.</p> <p>15 Q. Before -- before June of 2013?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 A. Yes.</p> <p>19 Q. So if we started in June of 2013, and we could</p> <p>20 come forward and see EIC related complaints?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And we wouldn't have to look anywhere else in</p> <p>23 any other file anywhere in your office other than --</p> <p>24 A. Yes, sir.</p> <p>25 Q. Is that correct?</p>	<p style="text-align: right;">Page 124</p> <p>1 A. The -- both instances were included in the</p> <p>2 statewide press releases, if that's what you're asking.</p> <p>3 I'm sorry.</p> <p>4 Q. So specifically with regard to those DPS mobile</p> <p>5 units that were run by local county officials, when you</p> <p>6 did local press releases, did you include those types of</p> <p>7 mobile units in your local press releases?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. That was the extent of my questions.</p> <p>10 A. Okay.</p> <p>11 MR. KEISTER: Anyone else?</p> <p>12 MR. BRAZIL: No.</p> <p>13 MR. AGRAHARKAR: No. Thank you.</p> <p>14 MR. KEISTER: All right. We'll reserve</p> <p>15 ours to the time of trial. Thank y'all.</p> <p>16 THE WITNESS: Thank you.</p> <p>17 MR. FREEMAN: Thank you.</p> <p>18 MR. AGRAHARKAR: Thank you.</p> <p>19 (Off the record 5:18 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 BELINDA ORTIZ, et al., )  
2 Plaintiffs, )  
3 VS. ) CIVIL ACTION NUMBER:  
4 STATE OF TEXAS, et al., ) 2:13-CV-348 (NGR)  
5 Defendants. )  
6 \_\_\_\_\_ )

7 REPORTER'S CERTIFICATION  
8 DEPOSITION OF TEXAS DEPARTMENT OF PUBLIC SAFETY  
9 KATHERINE CESINGER  
10 MAY 20, 2014

11 I, Chris Carpenter, Certified Shorthand Reporter in  
12 and for the State of Texas, hereby certify to the  
13 following:

14 That the witness, KATHERINE CESINGER, was duly sworn  
15 by the officer and that the transcript of the oral  
16 deposition is a true record of the testimony given by  
17 the witness;

18 That the deposition transcript was submitted on the  
19 \_\_\_\_\_ day of \_\_\_\_\_, 2014, to the witness or to the  
20 attorney for the witness for examination, signature and  
21 return to \_\_\_\_\_, by  
22 \_\_\_\_\_, 2014; and if returned, the original  
23 transcript will forwarded to Vishal Agraharkar, the  
24 custodial attorney;

25 That the amount of time used by each party at the  
deposition is as follows:

Mr. Agraharkar: 1 hour, 55 minutes

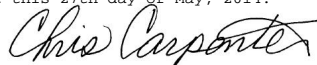


KATHERINE CESINGER  
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1 Mr. Freeman: 36 minutes  
2 Mr. Brazil: 27 minutes  
3 I further certify that I am neither counsel for,  
4 related to, nor employed by any of the parties or  
5 attorneys in the action in which this proceeding was  
6 taken, and further that I am not financially or  
7 otherwise interested in the outcome of the action.  
8 Certified to by me this 27th day of May, 2014.

9 

10 Chris Carpenter, Texas CSR 1151  
11 Expiration Date: 12/31/2014  
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13 Austin, TX 78701  
(512)328-5557

14 Firm Registration No. 283  
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